



ORDINARY MEETING

AGENDA

13 OCTOBER 2020

Your attendance is required at an Ordinary meeting of Council to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 13 October 2020 commencing at 9:00am for transaction of the enclosed business.

In line with section 277E of the Local Government Regulation 2012, it has been determined that it is not practicable for the public to attend Council meetings in person at the current time. Until further notice, Council meetings will instead take place via videoconference and will be livestreamed online.

A handwritten signature in black ink, appearing to be "C. R.", written in a cursive style.

CHIEF EXECUTIVE OFFICER
8 October 2020

Next Meeting Date: 27.10.20

Please note:

In accordance with the *Local Government Regulation 2012*, please be advised that all discussion held during the meeting is recorded for the purpose of verifying the minutes. This will include any discussion involving a Councillor, staff member or a member of the public.

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING.....	1
1.1	ACKNOWLEDGEMENT OF COUNTRY	1
1.2	OPENING PRAYER PRESENTED BY PASTOR DAVID ALLEY FROM PEACE CHRISTIAN CHURCH.....	1
2	PRESENT	1
3	APOLOGIES AND LEAVE OF ABSENCE	1
4	CONFIRMATION OF MINUTES.....	1
5	DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA	1
6	BUSINESS OUTSTANDING	2
6.1	BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING	2
7	PUBLIC FORUMS/DEPUTATIONS	7
	NIL	7
8	PRESENTATION OF PETITIONS.....	8
	NIL	8
9	COMMITTEE REPORTS.....	9
9.1	AUDIT AND BUSINESS IMPROVEMENT COMMITTEE MEETING - 1 OCTOBER 2020	9
10	COUNCILLOR/DELEGATE REPORTS	17
	NIL	17
11	OFFICERS' REPORTS	17
	ADVANCE ROCKHAMPTON – ECONOMIC DEVELOPMENT AND EVENTS	17
	AIRPORT GROWTH AND DEVELOPMENT	17
	COMMUNITIES	17
	INFRASTRUCTURE	17
	PLANNING AND REGULATION	18
11.1	DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR SPECIAL INDUSTRY (MANUFACTURING LIQUID FERTILISER (UREA-AMMONIUM NITRATE)) AND ENVIRONMENTALLY RELEVANT ACTIVITY 7 - CHEMICAL MANUFACTURING	18

SPORTS, PARKS AND PUBLIC SPACES	74
11.2 REQUEST FOR PERMISSION TO ENTER INTO A FREEHOLD LICENCE WITH NORTH CHARGERS SENIOR RUGBY LEAGUE AND NORTH KNIGHTS JUNIOR RUGBY LEAGUE OVER MCLEOD PARK.....	74
11.3 ADDITIONAL DOG OFF LEASH AREA OPTIONS	76
11.4 MOTORSPORT PRECINCT	91
WASTE AND WASTE TO RESOURCE IMPLEMENTATION	117
WATER AND SUPPORTING A BETTER ENVIRONMENT	117
BUDGET, GOVERNANCE AND OTHER MATTERS	117
11.5 AMENDMENT TO GOVERNANCE ADMINISTRATION FRAMEWORK POLICY AND PROCEDURE	117
11.6 COUNCIL MEETING PROCEDURES POLICY	135
12 NOTICES OF MOTION	162
12.1 NOTICE OF MOTION - COUNCILLOR SHANE LATCHAM - REVIEW OF EXPENSES REIMBURSEMENT AND PROVISION OF FACILITIES FOR MAYOR AND COUNCILLORS POLICY	162
13 QUESTIONS ON NOTICE	163
NIL	163
14 URGENT BUSINESS/QUESTIONS	163
15 CLOSURE OF MEETING.....	163

1 OPENING

- 1.1 Acknowledgement of Country
- 1.2 Opening Prayer presented by Pastor David Alley from Peace Christian Church

2 PRESENT

Members Present:

The Mayor, Councillor M F Strelow (Chairperson)
Deputy Mayor, Councillor N K Fisher
Councillor S Latcham
Councillor C E Smith
Councillor C R Rutherford
Councillor M D Wickerson
Councillor D Kirkland

In Attendance:

Mr E Pardon – Chief Executive Officer

3 APOLOGIES AND LEAVE OF ABSENCE

Councillor Tony Williams - Leave of Absence from 12 October 2020 to 30 October 2020

4 CONFIRMATION OF MINUTES

Minutes of the Ordinary Meeting held 22 September 2020

Minutes of the Special Meeting held 30 September 2020

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

6.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING

File No: 10097

Attachments: 1. Business Outstanding Table for Ordinary Council Meeting [↓](#)

Responsible Officer: Evan Pardon - Chief Executive Officer

Author: Evan Pardon - Chief Executive Officer

SUMMARY

The Business Outstanding table is used as a tool to monitor outstanding items resolved at previous Council or Committee Meetings. The current Business Outstanding table for the Ordinary Council Meeting is presented for Councillors' information.

OFFICER'S RECOMMENDATION

THAT the Business Outstanding table for the Ordinary Council Meeting be received.

BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING

Business Outstanding Table for Ordinary Council Meeting

Meeting Date: 13 October 2020

Attachment No: 1

	Meeting Date	Subject	Resolution	Officer	Target Date	Notes
1	02/04/2019	Rockhampton Police Citizens Youth Welfare Association Building Ownership	THAT the matter lay on the table pending a further report in relation to the condition assessment of the building and information on various uses of the building.	Bulwinkel, Justin	28/12/2020	13/08/2020 Revised Target Date from 16/4/19 to 28/12/20 - Remains on hold, Parks Dept will engage with PCYC post COVID-19 to continue discussions pertaining to ownership.
2	06/08/2019	Request for Building Site Fee Reduction - Lions Club of Rockhampton Mount Archer Inc	THAT Council enters into discussions regarding alternate options as discussed and that a further report be brought back to the September Parks, Recreation and Sport Committee Meeting.	Bulwinkel, Justin	28/12/2020	13/08/2020 Revised Target Date 20/8/19 to 28/12/20 - Parks Dept to contact Lions post COVID-19 to continue discussions.
3	03/09/2019	Boundary Re-alignment adjoining Rockhampton Jockey Club	THAT this matter not be progressed at this stage, and the matter be given fuller consideration by Councillors at a workshop.	Anderson, Kellie	30/11/2020	18/08/2020 Revised Target Date from: 31 Aug 2020 to: 30 Nov 2020 Reason: Further discussions need to be held with RJC.
4	01/10/2019	Continuation of the Dining Platform Program	<ol style="list-style-type: none"> 1. THAT Council approve the construction for another three (3) platforms. 2. THAT a further report be prepared to extend the dining platform program. 	Sheppard, Graham	15/10/2019	
5	23/06/2020	Motorsport Master Planning and Community Engagement	<p>THAT:</p> <ol style="list-style-type: none"> 1) Council endorse the Community Engagement Plan for the Motorsports Precinct at 53199 Burnett Highway, Bouldercombe; 2) The community engagement be undertaken and lead by the Media and Communications unit; 3) A further report will be presented to Council following completion of due diligence investigations, consultation and master planning to decide if contract conditions have been satisfied and confirm if the contract will be completed; and 4) Council make available this report and its attachments to the public. 	Wyatt, Cameron	07/07/2020	

6	14/07/2020	First Turkey Mountain Bike Reserve - Blue Dawg Concept Plan	1. THAT Council notes the early-stage status of the Blue Dawg trail proposal and officers continue dialogue with the Rockhampton Mountain Bike Club in relation to the proposal. 2. THAT Council invites the Rockhampton Mountain Bike Club to a Workshop with Council.	Clark, Wade	28/08/2020	11/08/2020 - Wade Clark QPWS has been requested for a meeting to discuss the proposed Blue Dawg Downhill Trail. QPWS have indicated that they will meet with Council officers to discuss further. A meeting date is yet to be confirmed by QPWS.
7	11/08/2020	Advance Rockhampton Reference Group	THAT the existing Advance Rockhampton Advisory Committee continue, pending a future decision. THAT a workshop be scheduled to consider and set direction for Advance Rockhampton.	Pardon, Evan	25/08/2020	19/08/2020 Workshop waiting on appointment of new Executive Manager Advance Rockhampton (currently being advertised)
8	25/08/2020	Rotary West Trustee Permit Walter Pierce Kitchen	THAT the matter lay on the table and a workshop be held to discuss further.	Webb, John	08/09/2020	
9	22/09/2020	Expressions of Interest for Food & Beverage Opportunities at Fraser Park (Mt Archer Summit)	THAT Council resolves to call for public Expressions of Interest for commercial opportunities at Fraser Park, Mount Archer, in accordance with section 228 of the <i>Local Government Regulation 2012</i> .	Anderson, Kellie	06/10/2020	
10	22/09/2020	Community Assistance Program - Major Sponsorship	THAT Council considers the Major Sponsorship application from Rockhampton and District Motocross Club Inc for funding to assist with the staging of the MX King of Capricorn event to be held on 2 - 4 October 2020, and approves a sponsorship amount of \$7,500.00 towards the event.	Dorman, Kerri	06/10/2020	
11	22/09/2020	Proposed right of way (access) easement over Council land - 247 Denham Street Extended, The	THAT the Chief Executive Officer (Property and Resumptions Officer) be authorised to commence negotiations leading to the granting a right of way (access) easement to the owners of 253 Denham Street Extended, The Range (Lot 6 on RP607104) over Council land, situated at 247 Denham Street Extended, The Range (Lot 8 on RP604176) for nominal compensation subject to the following	Anderson, Kellie	06/10/2020	

		Range	conditions:		
			<ol style="list-style-type: none"> 1. Extending the offer for a right of way (access) easement to four of the other adjoining owners, being owners of 249 Denham Street Extended (Lot 7 on RP607104), 126 Caroline Street (Lot 2 on RP607104), 182 Agnes Street (Lot 2 on RP604176) and 180 Agnes Street (Lot 1 on RP604176) and that the offer remains open unless a future Council resolution rescinds the offer; 2. Maintenance of the easement area is shared amongst the adjoining owners (as Grantee) who have accepted and entered into Council's offer of easement; and 3. The adjoining owners (as Grantee) who have accepted and entered into Council's offer of easement will be responsible for all costs associated with entering into the easement including but not limited to, stamp duty, Grantee's legal costs (if applicable) and registration fees. 4. A property note will be placed on each property of the Council's resolution. 		
12	22/09/2020	Amendments to Rates Concession Policy	THAT the Rates Concession Policy be amended to incorporate Land Use Type 3-Flats which are owner occupied into section 5.2.2 to be eligible for the COVID-19 rebate.	Cutler, Alicia	06/10/2020
13	22/09/2020	Gavial Creek Bridge	<ol style="list-style-type: none"> 1. THAT Council demolishes and removes the existing Gavial Creek Bridge. 2. THAT a further report be provided to Council with options to restore and reinstate the steel trusses for an alternative use. 3. THAT appropriate records (including photographs) of the Bridge's heritage be documented. 	Kofod, Peter	06/10/2020

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 PRESENTATION OF PETITIONS

Nil

9 COMMITTEE REPORTS

9.1 AUDIT AND BUSINESS IMPROVEMENT COMMITTEE MEETING - 1 OCTOBER 2020

RECOMMENDATION

THAT the Minutes of the Audit and Business Improvement Committee meeting, held on 1 October 2020 as circulated, be received and that the recommendations contained within these minutes be adopted.

(**Note:** The complete minutes are contained in the separate Minutes document)

Recommendation of the Audit and Business Improvement Committee, 1 October 2020**9.1.1 ANNUAL FINANCIAL STATEMENTS 30 JUNE 2020**

File No: 9509
Attachments: 1. 2019/2020 Annual Financial Statements
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: Alicia Cutler - Chief Financial Officer

SUMMARY

Chief Financial Officer providing report on the 19/20 Draft Financial Statements that have been provided to Thomas Noble Russell (TNR) and audited on behalf of Queensland Audit Office. The closing audit report is provided under separate cover.

COMMITTEE RECOMMENDATION

THAT the Draft Financial Statements for the period ended 30 June 2020 be received and any feedback be provided to the Mayor and CEO prior to final signing.

Recommendation of the Audit and Business Improvement Committee, 1 October 2020**9.1.2 2020 CLOSING REPORT**

File No: 9509
Attachments: 1. 2020 Closing Report 30 June 2020
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: Michael Clerc - Acting Chief Financial Officer

SUMMARY

The report from Thomas Noble Russell is provided in regards to the final audit for 2020.

COMMITTEE RECOMMENDATION

THAT the 2020 Closing Report 30 June 2020 be "received".

Recommendation of the Audit and Business Improvement Committee, 1 October 2020**9.1.3 ACTION PROGRESS REPORT**

File No: 5207
Attachments: 1. Retire Old Action Items List
2. All Open Overdue Items (H;M;L)
Authorising Officer: John Wallace - Chief Audit Executive
Author: John Wallace - Chief Audit Executive

SUMMARY

The quarterly requested Action Progress Report is attached for information and updating the committee.

- [1] *A periodic clean-up of older and lower risk items has occurred and is now reflected in this updated report.*
- [2] *The committee's input is requested, as key stakeholders, as to the extent of future reporting it desires. For example, management have requested consideration be given to the approach for reporting on external reviews – these items are currently included in the Action Progress Report, except for QAO related action items.*

COMMITTEE RECOMMENDATION

1. THAT the reports be received.
2. THAT the Audit and Business Improvement Committee request responses from the General Managers of the areas regarding outstanding recommendations.
3. THAT the Audit and Business Improvement Committee be provided an update of outstanding items over 12 months to the next meeting of the Audit and Business Improvement Committee.

Recommendation of the Audit and Business Improvement Committee, 1 October 2020**9.1.4 CEO UPDATE [STANDING PLACEHOLDER]**

File No: 5207
Attachments: Nil
Authorising Officer: John Wallace - Chief Audit Executive
Author: John Wallace - Chief Audit Executive

SUMMARY

The CEO will update the committee on any matters of importance.

COMMITTEE RECOMMENDATION

THAT the CEO's update be received.

Recommendation of the Audit and Business Improvement Committee, 1 October 2020**9.1.5 2019-2020 AUDIT PLAN ACHIEVEMENT**

File No: 5207
Attachments: 1. 2019-2020 Audit Plan Achievement
Authorising Officer: John Wallace - Chief Audit Executive
Author: John Wallace - Chief Audit Executive

SUMMARY

*The Achievement of the Annual Audit Plan is attached for the committee's information.
The plan for the year has been achieved – Total Audit Days Achievement vs Planned.*

COMMITTEE RECOMMENDATION

THAT the 2019–2020 Audit Plan Achievement Report be received and noted.

Recommendation of the Audit and Business Improvement Committee, 1 October 2020**9.1.6 2020-2021 AUDIT PLAN PROGRESS**

File No: 5207
Attachments: 1. 2020-2021 Update
Authorising Officer: John Wallace - Chief Audit Executive
Author: John Wallace - Chief Audit Executive

SUMMARY

The Audit Plan Progress Status report is attached for the committee's information.

COMMITTEE RECOMMENDATION

THAT the Progress Report for the current Annual Audit Plan be received.

Recommendation of the Audit and Business Improvement Committee, 1 October 2020**9.1.7 REVIEW OF-FITNESS FOR WORK & SUITABLE DUTIES PRACTICES**

File No: 5207
Attachments: 1. Review of Fitness for Work and Suitable Duties Practices
Authorising Officer: John Wallace - Chief Audit Executive
Author: John Wallace - Chief Audit Executive

SUMMARY

The Review of Fitness For Work and Suitable Duties Practices is finalised and is now presented to the Audit and Business Improvement Committee.

COMMITTEE RECOMMENDATION

THAT the Review of Fitness For Work and Suitable Duties Practices, be received.

Recommendation of the Audit and Business Improvement Committee, 1 October 2020**9.1.8 REVIEW OF PLANT HIRE**

File No: 5207
Attachments: 1. Summary Report-Review of Plant Hire
2. Final Report-Review of Plant Hire
Authorising Officer: John Wallace - Chief Audit Executive
Author: John Wallace - Chief Audit Executive

SUMMARY

The Review of Plant Hire is finalised and presented to the Audit and Business Improvement Committee.

COMMITTEE RECOMMENDATION

THAT the Review of Plant Hire be received.

Recommendation of the Audit and Business Improvement Committee, 1 October 2020**9.1.9 COMMITTEE CHAIR UPDATE [STANDING PLACEHOLDER]**

File No: 5207
Attachments: Nil
Authorising Officer: John Wallace - Chief Audit Executive
Author: John Wallace - Chief Audit Executive

SUMMARY

The Committee Chair will update the committee.

COMMITTEE RECOMMENDATION

THAT the Chair's update be received.

Recommendation of the Audit and Business Improvement Committee, 1 October 2020**9.1.10 ENVIRONMENTAL MANAGEMENT [STANDING PLACEHOLDER]**

File No: 5207
Attachments: Nil
Authorising Officer: John Wallace - Chief Audit Executive
Author: John Wallace - Chief Audit Executive

SUMMARY

The committee has requested updates from management on – Environmental Management for each meeting.

COMMITTEE RECOMMENDATION

THAT the update on environmental management be received.

Recommendation of the Audit and Business Improvement Committee, 1 October 2020**9.1.11 ASSET MANAGEMENT [STANDING PLACEHOLDER]**

File No: 5207
Attachments: Nil
Authorising Officer: John Wallace - Chief Audit Executive
Author: John Wallace - Chief Audit Executive

SUMMARY

The committee has requested updates from management on – Asset Management at each meeting.

For example, the status of the IT RAMP Project and other significant projects.

COMMITTEE RECOMMENDATION

THAT the updates be received.

Recommendation of the Audit and Business Improvement Committee, 1 October 2020**9.1.12 LOSS / THEFT ITEMS - JUNE TO AUGUST 2020**

File No: 3911
Attachments: 1. Loss/Theft Report - 1 June to 31 August 2020
Authorising Officer: Drew Stevenson - Manager Corporate and Technology Services
Ross Cheesman - Deputy Chief Executive Officer
Author: Kellie Anderson - Coordinator Property and Insurance

SUMMARY

Presenting details of the Loss / Theft register for the period 1 June to 31 August 2020.

COMMITTEE RECOMMENDATION

THAT the Committee 'receives' the Loss/Theft Report for the period 1 June to 31 August 2020.

Recommendation of the Audit and Business Improvement Committee, 1 October 2020**9.1.13 INVESTIGATION AND LEGAL MATTERS PROGRESS REPORT**

File No: 5207
Attachments: 1. Legal Matters as at 30 June 2020
Authorising Officer: Tracy Sweeney - Executive Manager Workforce and Governance
Author: Travis Pegrem - Coordinator Workforce Relations and Ethics

SUMMARY

Coordinator Workforce Relations and Ethics presenting an update of financial year to date Investigative Matters and the current Legal Matters progress report.

COMMITTEE RECOMMENDATION

THAT the update of Investigative and Legal matters for Rockhampton Regional Council be received.

10 COUNCILLOR/DELEGATE REPORTS

Nil

11 OFFICERS' REPORTS

ADVANCE ROCKHAMPTON – ECONOMIC DEVELOPMENT AND EVENTS

Councillor Portfolio – Mayor Strelow and ***Assistant Portfolio*** - Councillor Williams

No items for consideration

AIRPORT GROWTH AND DEVELOPMENT

Councillor Portfolio – Councillor Fisher

No items for consideration

COMMUNITIES

Councillor Portfolio – Councillor Wickerson

No items for consideration

INFRASTRUCTURE

Councillor Portfolio – Councillor Williams

No items for consideration

PLANNING AND REGULATION***Councillor Portfolio – Councillor Smith***

11.1 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR SPECIAL INDUSTRY (MANUFACTURING LIQUID FERTILISER (UREA-AMMONIUM NITRATE)) AND ENVIRONMENTALLY RELEVANT ACTIVITY 7 - CHEMICAL MANUFACTURING**File No:** D/69-2020**Attachments:**
1. Locality Plan [↓](#)
2. Site Plan [↓](#)
3. Floor Plan [↓](#)**Authorising Officer:** Tarnya Fitzgibbon - Coordinator Development Assessment
Doug Scott - Manager Planning and Regulatory Services
Aaron Pont - Acting General Manager Community Services**Author:** Thomas Gardiner - Senior Planning Officer

SUMMARY

Development Application Number: D/69-2020

Applicant: Lake Fox Properties Pty Ltd

Real Property Address: Lot 102 on RP604012, Parish of Gracemere

Common Property Address: 162 Middle Road, Gracemere

Area of Site: 2.752 hectares

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Medium Impact Industry Zone

Planning Scheme Overlays: Creek Catchment Flood Overlay (Planning Areas 1 and 2)

Existing Development: Vacant Land

Existing Approvals: D/45-2020 – Development Permit for a Material Change of Use for a Transport Depot

Approval Sought: Development Permit for a Material Change of Use for Special Industry (manufacturing liquid fertiliser (urea-ammonium nitrate)) and Environmentally Relevant Activity 7 – Chemical Manufacturing

Level of Assessment: Impact Assessable

Submissions: Fifty-two (52) submissions

Referral Agency(s): Department of State Development, Tourism and Innovation

Infrastructure Charges Area: Charge Area 1

Application Progress:

<i>Application Lodged:</i>	<i>7 July 2020</i>
<i>Confirmation Notice issued:</i>	<i>7 July 2020</i>
<i>Request for Further Information sent:</i>	<i>17 July 2020</i>
<i>Request for Further Information responded to:</i>	<i>22 July 2020</i>
<i>Submission period commenced:</i>	<i>24 July 2020</i>
<i>Submission period end:</i>	<i>13 August 2020</i>
<i>Government Agency Response:</i>	<i>19 August 2020</i>
<i>Last receipt of information from applicant:</i>	<i>7 September 2020</i>
<i>Statutory due determination date:</i>	<i>16 October 2020</i>

OFFICER'S RECOMMENDATION

RECOMMENDATION A

That in relation to the application for a Development Permit for a Material Change of Use for Special Industry (manufacturing liquid fertiliser (urea-ammonium nitrate)) and Environmentally Relevant Activity 7 – Chemical Manufacturing, made by Lake Fox Properties Pty Ltd, located at 162 Middle Road, Gracemere, described as Lot 102 on RP604012, Parish of Gracemere, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer and their employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
 - 1.3.1 to Council's satisfaction;
 - 1.3.2 at no cost to Council; and
 - 1.3.3 prior to the commencement of the use, unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
 - 1.5.1 Operational Works:
 - (i) Road Works;
 - (ii) Access and Parking Works;
 - (iii) Sewerage Works;
 - (iv) Water Works (if required – refer Condition 6.3);

- (v) Stormwater Works; and
- (vi) Roof and Allotment Drainage;
- 1.5.2 Plumbing and Drainage Works; and
- 1.5.3 Building Works.
- 1.6 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.7 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.8 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 2.0 **APPROVED PLANS AND DOCUMENTS**
- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by any condition of this development approval:

Drawing/report title	Prepared by	Date	Reference number	Rev
Site Plan	Design + Architecture (as amended in red by Council)	20 July 2020	SK-002	10
Proposed Floor Plan	Design + Architecture	20 July 2020	SK-003	8
Proposed Shed Slab & Bunded Storage Slab	Mitcon Projects	9 July 2020	MCP-RO-STDG-001	A
Stormwater Management Plan	McMurtrie Consulting Engineers	22 November 2019	032-19-20	A
Stormwater Management - Detention Basin	McMurtrie Consulting Engineers	20 July 2020	0321920-9001	C
Swept Paths for western and eastern access	McMurtrie Consulting Engineers	25 June 2020	032-19-20	

- 2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of an application for a Development Permit for Operational Works.
- 3.0 **ROAD WORKS**
- 3.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works required by this development approval.
- 3.2 All road works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, and relevant *Australian Standards* and *Austroads Guidelines* and the provisions of a

Development Permit for Operational Works (road works).

- 3.3 The southern side of Douglas Street must be widened for the full frontage of the site to an Industrial Access standard, including kerb and channel and drainage. The alignment of the new kerb and channel must be consistent with that of the new section of kerb and channel at the Macquarie Street end of Douglas Street. If the egress movements of a B-double / Road Train cannot be accommodated within the sealed area of the roadway, it will be necessary to provide localised widening on the northern side of Douglas Street to accommodate these turn movements.

4.0 ACCESS AND PARKING WORKS

- 4.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the development site.
- 4.2 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 4.3 All access, parking and vehicle manoeuvring areas must be constructed and surface treated in accordance with the approved site plan (refer to condition 2.1). All surface treatments must be constructed, operated and maintained in a manner so that there is no significant impact on the amenity of adjoining premises or the surrounding area being caused due to the emission of dust or resulting in sediment laden water.
- 4.4 Two (2) new accesses to the development must be provided in accordance with the approved plans (refer Condition 2.1).
- 4.5 B-double and Road Train (RT1) egress from the site must be limited to 'right out' only.
- 4.6 All vehicles must ingress and egress the development in a forward gear.
- 4.7 Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Australian Standard AS2890.2 "Parking facilities - Off street commercial vehicle facilities"*.
- 4.8 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"* and *Australian Standard AS2890.1 "Parking facilities – Off-street car parking"*.

5.0 SEWERAGE WORKS

- 6.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the development site.
- 6.2 All sewerage works must be designed and constructed in accordance with the *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act 2008*, *Plumbing and Drainage Act 2002* and the provisions of a Development Permit for Operational Works (sewerage works).
- 6.3 The development must be connected to Council's reticulated sewerage network within 24 months of the commencement of use.

6.0 PLUMBING AND DRAINAGE WORKS

- 6.1 A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing structure on the development site.

- 6.2 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act 2008*, *Plumbing and Drainage Act 2018*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 6.3 The development must be connected to Council's reticulated water network. Should it be necessary to extend the reticulated Council network to facilitate this, an Operational Works application (water works) will be required for these works.
- 6.4 A new water connection point must be provided. A hydraulic engineer or other suitably qualified person must determine the size of connection required.
- 6.5 Adequate domestic and fire fighting protection must be provided to the development, and must be certified by a hydraulic engineer or other suitably qualified person.
- 6.6 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 6.7 A temporary ablution block and above ground tank is permitted however the development must be connected to Council's reticulated sewerage network within 24 months from the commencement of use.
- 6.8 Any wastewater holding tank must be desludged / pumped out frequently and must be disposed of by a licensed contractor to an approved waste disposal facility.
- 7.0 **STORMWATER WORKS**
- 7.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 7.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 7.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering, concentrating or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 7.4 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual exceedance probability storm event, for the post-development conditions.
- 7.5 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by engineering plans with details of any new drainage systems including retention systems, inlet and outlet structures, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy.
- 7.6 The detention basin/bio basin as identified on the approved plans (refer to condition 2.1) must be landscaped in accordance with Council's requirements. Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by detailed plans and specifications for the detention basin, and the design must:

- 7.6.1 be suitable to the climate and incorporate predominately native species;
- 7.6.2 maximise areas suitable for on-site infiltration of stormwater;
- 7.6.3 incorporate shade trees; and
- 7.6.4 demonstrate that all areas apart from garden beds are fully turfed or hydromulched.

The detailed design of the detention basin/s as identified on the approved plans (refer to condition 2.1), must ensure the safety of the public and/or tenants and where applicable include all required safety measures and facilities (for example, child proof fences). A maintenance plan for the proposed detention basin system must be submitted as part of any application for a Development Permit for Operational Works (stormwater works).

8.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 8.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the development site.
- 8.2 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).
- 8.3 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.
- 8.4 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual exceedance probability storm event, for the post-development conditions.

9.0 SITE WORKS

- 9.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 9.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.
- 9.3 All site works must be undertaken to ensure that there is:
 - 9.3.1 no increase in upstream or downstream flood levels for all levels of immunity up to a one per cent (1%) Annual exceedance probability flood event;
 - 9.3.2 no increase in velocity profiles, for which no remedy exists to prevent erosion and/or scouring. In the event that modelling shows non-compliance with the above, works must be undertaken within the system to satisfy the above criteria for development; and
 - 9.3.3 a lawful point of discharge to which the approved works drain during construction phase.

Easements will be required over any other land to accommodate the flows.

10.0 BUILDING WORKS

- 10.1 Structures must not be located within the on-site sewerage treatment and disposal area

or conflict with the separation distances, in accordance with the *Queensland Plumbing and Wastewater Code*.

- 10.2 All electrical and telecommunication services and utilities connected to the property, including electrical outlets, must be designed and installed at such a height that they are a minimum of 500 millimetres above a one per cent (1%) Annual exceedance probability flood level.
- 10.3 A one (1) metre high concrete block wall must be constructed as shown on the approved Site Plan (reference SK-002, Revision 10, as amended in red by Council). A bund must be constructed on the side of the wall facing Lot 96 on SP314608 and Lot 97 on RP604012 to protect diesel from the adjoining Transport Depot from encroaching into the ANSOL manufacturing site.

11.0 ELECTRICITY

- 11.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.

12.0 TELECOMMUNICATIONS

- 12.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider. Unless otherwise stipulated by telecommunications legislation at the time of installation, this includes all necessary pits and pipes, and conduits that provide a connection to the telecommunications network.
- 12.2 The conduits, pipes and cables required by this condition are located on private land and therefore ownership of the conduits, etc. will be with the owner of the land or a carrier that uses the conduit to carry its cables.
- 12.3 The Telecommunications Act 1997 (Commonwealth) specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required.
- 12.4 Evidence (see below) of acceptance of the works from the relevant service provider must be provided to Council, prior to the commencement of the use :-

NBN a 'Certificate of Practical Completion',

Telstra a-"Telecommunications Agreement/Provisioning Letter",

A Licenced Carrier under the Telecommunications Act 1997- (signed documentation from a Registered Professional of Engineer Queensland -electrical engineer.)

13.0 ASSET MANAGEMENT

- 13.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 13.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.
- 13.3 'As Constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in

accordance with the *Asset Design and As Constructed Manual (ADAC)*.

14.0 ENVIRONMENTAL

- 14.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan that addresses, but is not limited to, the following:

- (i) objectives;
- (ii) site location and topography;
- (iii) vegetation;
- (iv) site drainage;
- (v) soils;
- (vi) erosion susceptibility;
- (vii) erosion risk;
- (viii) concept;
- (ix) design; and
- (x) implementation,

for the construction and post-construction phases of work.

- 14.2 The Erosion Control and Stormwater Control Management Plan prepared by a Registered Professional Engineer of Queensland in accordance with the *Capricorn Municipal Design Guidelines*, must be implemented, monitored and maintained for the duration of the development works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The plan must be available on-site for inspection by Council Officers whilst all works are being carried out.

15.0 ENVIRONMENTAL HEALTH

- 15.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 15.2 Noise emitted from the activity must not cause an environmental nuisance.
- 15.3 Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or dust.
- 15.4 Odour and visible contaminants, including but not limited to dust, fume, smoke, aerosols, overspray or particulates, must not be released to the environment in a manner that will or may cause environmental nuisance or harm unless such release is authorised by Council.
- 15.5 When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise, light or dust. An analysis of the monitoring data and a report, including nuisance mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation.
- 15.6 Plant and equipment must be maintained in proper working order at all times, in accordance with the manufacturer's directions to ensure the efficiency of the

equipment.

- 15.7 No contaminants are permitted to be released to land or water, including soil, silt, oils, detergents, etcetera. Any wash-down areas used for the maintenance or cleaning of equipment (including vehicles) must be appropriately bunded and drained to a holding tank and evaporated.
- 15.8 An appropriate spill kit must be kept on-site for neutralising or decontaminating spills. The spill kit must be clearly identifiable, maintained regularly and stored in a central location that is easily accessible to employees. Staff must be adequately trained in the use of these materials. The spill kit may consist of:
- 15.8.1 a bin with a tight-fitting lid, partially filled with non-combustible absorbent material such as vermiculite;
 - 15.8.2 a broom, shovel, face shield, chemically-resistant boots and gloves; and
 - 15.8.3 waste bags and ties.
- 15.9 Any spillage of environmentally hazardous liquids or other materials must be cleaned up as quickly as practicable. Any spillage of waste and/or contaminants must not be hosed or swept to any stormwater drainage system, roadside gutter or waters.
- 16.0 OPERATING PROCEDURES
- 16.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within Douglas Street.
- 16.2 Where un-sealed surface treatments are utilised in access, parking and vehicle manoeuvring areas, contaminants such as oils or chemicals must not be released onto the surface treatment.
- 16.3 All un-sealed surface treatments must be operated and maintained in a manner so that there is no significant impact on the amenity of adjoining premises or the surrounding area being caused due to the emission of dust or resulting in sediment laden water.
- Note: If the amenity impacts cannot be mitigated, the area must be sealed to Council's satisfaction.
- 16.4 All waste must be stored within a waste storage area (for example, general waste, recyclable waste, pallets, empty drums etcetera). The owner of the land must ensure that:
- 16.4.1 the area is kept in a clean and tidy condition;
 - 16.4.2 fences and screens are maintained;
 - 16.4.3 no waste material is stored external to the waste storage area/s;
 - 16.4.4 contaminants/washdown does not discharge into water courses, drainage lines or onto adjoining properties; and
 - 16.4.5 the area is maintained in accordance with *Environmental Protection Regulation 2008*.
- 16.5 No washing of plant equipment and vehicles is permitted on the development site unless an approved washdown bay is built to prevent contamination of land and the stormwater system.

ADVISORY NOTES**NOTE 1. Aboriginal Cultural Heritage**

It is advised that under section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the “cultural heritage duty of care”). Maximum penalties for breaching the duty of care are listed in the Aboriginal cultural heritage legislation. The information on Aboriginal cultural heritage is available on the Department of Aboriginal and Torres Strait Islander and Partnerships website www.datsip.qld.gov.au.

NOTE 2. General Environmental Duty

General environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the development site during all stages of the development including earthworks, construction and operation.

NOTE 3. Licensable Activities

Should an activity licensable by Rockhampton Regional Council be proposed for the development site, Council’s Environment and Public Health Unit must be consulted to determine whether any approvals are required. Such activities may include food preparation, storage of dangerous goods or environmentally relevant activities. Approval for such activities is required before ‘fit out’ and operation.

NOTE 4. General Safety Of Public During Construction

The *Work Health and Safety Act 2011* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.

NOTE 5. Works in Road Reserve Permit

It is advised that a Works in Road Reserve Permit (including a fee for the vehicle crossover and compliant with Standard *Capricorn Municipal Development Guidelines*, *Standard Drawings*) may be accepted in place of the application for a Development Permit for Operational Works (access works).

NOTE 6. Duty to Notify of Environmental Harm

If a person becomes aware that serious or material environmental harm is caused or threatened by an activity or an associated activity, that person has a duty to notify Rockhampton Regional Council.

NOTE 7. Infrastructure Charges Notice

This application is subject to infrastructure charges in accordance with Council policies. The charges are presented on an Infrastructure Charges Notice.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for Special Industry (manufacturing liquid fertiliser (urea-ammonium nitrate)) and Environmentally Relevant Activity 7 – Chemical Manufacturing, made by Lake Fox Properties Pty Ltd, located at 162 Middle Road, Gracemere, described as Lot 102 on RP604012, Parish of Gracemere,

Council resolves to issue an Infrastructure Charges Notice for the amount of \$7,497.00.

APPLICATION DATA

Gross Floor Area	
Industrial	441 square metres
Impervious area	738 square metres

PROPOSAL IN DETAIL

The proposal is for the establishment of a facility for the manufacturing of liquid fertiliser (urea-ammonium nitrate (UAN)). UAN is an agricultural fertiliser with a wide application for cropping. A maximum of 5,000 tonnes of UAN will be produced at the subject site per annum.

The manufacturing process involves the mixing of potable water with an ammonium nitrate solution (ANSOL), and dissolving prilled urea into the solution. ANSOL is transported to the site from Gladstone in insulated ISO tank containers. All manufacturing of UAN will be undertaken within the confines of the proposed shed which will have a purpose built secondary containment system. The shed will accommodate a 50 kL mixing vat which is expected to manufacture between 2 and 3 batches of UAN per week. Once the UAN is manufactured within the shed, the UAN will be pumped from the mixing vat directly into the bulk storage tanks which will be located in the bunded storage area adjacent to the proposed shed. The bulk storage tanks will be stored on site (in the bunded storage area) until it is ready for distribution to the agricultural sector across the Central Queensland and broader Australian domestic market.

The grade of UAN produced is not classified as a dangerous good, and the manufacturing process does not generate any liquid effluent waste or the use of flammable materials. Manufacturing UAN at this facility does not involve chemical reactions, and does not require the presence of an industrial chemist on the site. The proposed facility will not receive prilled ammonium nitrate which is used to manufacture explosives.

The proposal also involved an Environmentally Relevant Activity (ERA) for Chemical Manufacturing, requiring referral to the Department of State Development, Tourism and Innovation. The applicant was also required to obtain an Environmental Authority (EA) Permit from the Department of Environment and Science for the ERA. The Department of Environment and Science issued the EA Permit on 18 August 2020, which authorised the activity to occur, subject to conditions, under the provisions of the *Environmental Protection Act 1994*.

SITE AND LOCALITY

The subject site is located in the Medium Impact Industry Zone under the *Rockhampton Region Planning Scheme 2015*. Access to the subject site will be from Douglas Street.

Surrounding the subject site are a combination of industrial and residential land uses. Immediately to the north and east of the site are existing Vehicle Depots and Warehouse activities. To the west, south, and south-east of the site are several residential uses on large allotments.

The site is partially affected by the Creek Catchment Overlay (Planning Areas 1 and 2), traversing the centre of the site. The site is also located within Council's Priority Infrastructure Area.

MATTERS FOR CONSIDERATION

This application has been assessed by relevant Council planning, engineering, environmental health, and other technical officers as required. The assessment has been in accordance with the assessment process provisions of the Development Assessment Rules, based on consideration of the relevant State Planning Policy; State Government guidelines; the Council's Town Planning Scheme, Planning Policies and other general policies and procedures, as well as other documents as considered relevant.

Development Engineering Comments – 12 August 2020

Support, subject to conditions.

Public and Environmental Health Comments – 8 July 2020

Support, subject to conditions.

Other Staff Technical Comments

Not applicable as the application was not referred to any other technical staff.

TOWN PLANNING COMMENTS**Central Queensland Regional Plan 2013**

The *Central Queensland Regional Plan 2013* is a statutory document which came into effect on 18 October 2013. The development is not required to be assessed against the Regional Plan if this document is appropriately reflected in the local planning scheme. It is considered that the Regional Plan is appropriately reflected in the current local planning scheme.

State Planning Policy 2017

The current State Planning Policy (SPP) came into effect on 3 July 2017 and replaces the previous SPP (April 2016). The new policy expresses the state's interests in land-use planning and development and contains a number of changes to better align with the *Planning Act 2016*. This policy requires development applications to be assessed against its requirements where they have not been appropriately reflected in the local planning scheme.

Rockhampton Region Planning Scheme 2015**Strategic framework**

This application is situated within the Industrial Area designation under the scheme's strategic framework map. The strategic framework themes and their strategic outcomes, as identified within Part 3 of the *Rockhampton Region Planning Scheme 2015* are applicable:

(i) Settlement pattern

- (1) The pattern of settlement is reinforced in accordance with the Strategic framework – settlement pattern maps (SFM-1 to SFM-4) and as defined in Table 3.3.2.2 – Strategic map designations and descriptions. Sufficient land has been allocated for residential, commercial, industrial and community uses to meet the needs of the region for at least twenty (20) years.
 - (2) Residential development within Rockhampton and Gracemere will occur in urban areas, urban infill and intensification areas and new urban areas (greenfield areas). These areas are shown on the strategic framework maps SFM-2 to SFM-3.
 - (3) Urban development in Mount Morgan will only occur within the urban area and local centre as shown on strategic framework map SFM-4.
-

- (4) Residential development is compact, encourages strong neighbourhoods with attractive places for residents, makes efficient use of land and optimises the delivery and use of infrastructure and services. Expansion beyond these identified areas will not occur to ensure a focus on urban infill and intensification areas and to avoid further encroachment on natural assets and ecologically vulnerable areas.
- (5) Sufficient land for employment growth has been identified in industrial areas, new industrial areas and centres (including proposed centres) at locations that can be most efficiently serviced with infrastructure and facilities.
- (6) Future urban areas and future industrial areas are the preferred location for greenfield development beyond 2026.
- (7) The settlement pattern provides for a diverse range of housing to meet changing demographic needs, and creates opportunities for more affordable living close to services and facilities. These housing options will help stimulate centres and community focal points, and assist in making the most efficient use of infrastructure and other public investment.
- (8) Higher density development is focused around centres and public transport nodes and corridors. Increased residential densities will be encouraged in the urban infill and intensification areas in a range of dwelling types that are located to make public transport, walking and cycling more convenient, safe and viable.
- (9) The design of the built environment (including buildings, streets and public spaces) is consistent with the existing or desired character of the area and buildings are oriented to the street and public places. Development is undertaken in accordance with urban design principles.
- (10) Centres provide for employment, retail, accommodation, entertainment and community services that meet the needs of residential communities that are well connected by the public transport network.
- (11) Centres are based on a hierarchy that ensures the scale and form of development is appropriate to the location, and that the centres' roles and functions are appropriate within the wider planning scheme area.
- (12) Centres are consolidated within designated areas, and expansion does not occur into adjoining residential areas.
- (13) An integrated and high quality public open space network caters for the needs of residents, particularly in and around centres and higher density areas.
- (14) The continuing viability of areas that provide for economic development such as industrial and specific use areas is protected from incompatible land uses.
- (15) Limited rural residential areas provide for semi-rural living; however, these areas do not expand beyond the areas designated.
- (16) The productive capacity of all rural land is protected.
- (17) Rural lands and natural areas are maintained for their rural and landscape values.
- (18) The scenic and environmental values of areas identified as nature conservation or natural corridor link are protected.
- (19) The cultural heritage of Rockhampton is conserved for present and future communities.
- (20) Development responds to natural hazards (flooding, bushfire, steep land, storm tide inundation and coastal erosion) by avoiding, mitigating, adapting and building resilience to natural hazards in areas mapped as being susceptible.

Complies. The proposed development is located in an established industrial area. It does not compromise the overarching settlement pattern of the Gracemere locality as identified in the Strategic Framework. The proposed development is considered an appropriate development outcome for the site as it ensures the consolidation of industrial uses on planned industrial land, and has good access to key transport

networks. It also advances the overarching intent of the Gracemere Industrial Area – which is to be established as a major regional industrial area – by diversifying the range of industrial uses accommodated in this area. The Strategic Framework also states that new, large-scale and intensive industrial uses (including Special Industry land uses) will be encouraged to establish in the Gracemere Industrial Area.

(ii) **Natural environment and hazards**

- (1) The natural environment and landscape are highly valued by the community for their contribution to the planning scheme area's biodiversity, economic prosperity, culture, character and sense of place. These areas are to be protected from incompatible development.
- (2) Development does not create unsustainable impacts on:
 - (a) the natural functioning of floodplains;
 - (b) environmentally significant areas, including areas of state and locally significant vegetation, which provide fauna habitat and support biodiversity; and
 - (c) the quality of water entering waterways, wetlands and local catchments.
- (3) Development does not increase the risk to human life and property in areas that are affected, or potentially affected, by storm-surge, erosion, sea-level rise or other coastal processes, flooding, bushfire, or landslide. This occurs through the avoidance of natural hazards in new development areas, particularly greenfield areas and the mitigation of risks in existing built up areas.
- (4) Strategic and iconic scenic and landscape values are protected from potential adverse impacts of development.

Complies. The proposed development will not create any unsustainable impacts on any environmental values in proximity to the site nor cause any environmental harm. This includes the natural functioning of floodplains and the quality of water entering waterways, wetlands and local catchments. Mitigation measures preventing contamination to the natural environment have been conditioned by both Council and the Department of Environment and Science through the Environmental Authority which manages the Environmentally Relevant Activity associated with the proposed development.

(iii) **Community identity and diversity**

- (1) The quality of life of residents is enhanced through equitable access to social infrastructure, community services and facilities necessary to support community health and well-being.
- (2) The community is self-sufficient and does not rely on services and facilities located in other regions. Development contributes to the provision of new social infrastructure, including land.
- (3) Cultural heritage including character housing and heritage buildings are conserved and enhanced.
- (4) Public places are safe, functional, characterised by good urban design, and include a range of facilities to encourage healthy and active lifestyles.
- (5) Crime prevention through environmental design is achieved in urban areas including public spaces to improve public safety.

Complies. The proposed development will not cause any adverse effects on the Gracemere community. The proposed development will not affect equitable access to social infrastructure, community services and facilities for Gracemere residents. This is because the proposed development is located within the Gracemere Industrial Area which encourages a range of industrial uses that are appropriately separated from social infrastructure and community services.

(iv) Access and mobility

- (1) Connectivity is achieved between residential uses, employment centres and services through the provision of active transport infrastructure integrated with efficient public transport services.
- (2) The trunk transport network (as shown on the strategic framework maps SFM-9 to SFM-12 and in plans for trunk infrastructure in the local government infrastructure plan) supports the settlement pattern and the local economy by facilitating the efficient and safe movement of people and goods both within the planning scheme area (especially between the main urban centres of Rockhampton and Gracemere), and to and from other locations.
- (3) The transport network encourages and supports active living in centres by providing for integrated walking, cycling, and public transport infrastructure to support a progressive reduction in car dependency.
- (4) The safety and efficiency of transport infrastructure, including the Bruce and Capricorn highways and other state and local roads, rail, airport and seaports, are not compromised by development.

Complies. The proposed development will not affect the safety or efficiency of the surrounding transport network. Douglas Street is an Industrial Access Road, and B-Double / Road-Train (Type 1) route to the east, which is appropriate for the nature of traffic generated from the proposed development having regard to the safety and efficiency of the transport network.

(v) Infrastructure and services

- (1) Infrastructure and services are planned and delivered in a logical and cost efficient manner in support of the planned settlement pattern. It is fit for purpose and is sensitive to cultural and environmental values. In particular:
 - (a) efficient, affordable, reliable, timely and lasting infrastructure makes best use of public resources;
 - (b) the long-term needs of the community, industry and business are met; and
 - (c) the desired standards of service in Part 4 — Local government infrastructure plan are achieved.

Complies. The proposal does not involve the delivery of significant infrastructure. All on-site services are fit-for-purpose and appropriate for the development proposed.

(vi) Natural resources and economic development

- (1) The economy of the planning scheme area continues to grow and provides the community with diverse and new employment opportunities. Rockhampton continues to strengthen as the retail, service, cultural and administrative centre for both the planning scheme area and the wider Central Queensland region.
- (2) The strategic importance of Rockhampton for transport and logistics industries is fostered, given its central location at the junction of the Bruce Highway, the Capricorn Highway (through to the Landsborough Highway) and the Burnett Highway (through to the Leichhardt Highway).
- (3) The local community continues to value its traditional economic assets and natural resources and protects and conserves them and the contribution they make to maintaining and growing the region's economic prosperity, culture, character and sense of place. The region's traditional economic sectors of tourism and agriculture (including the iconic beef industry) continue to strengthen.
- (4) Development protects and, where possible, leverages the intrinsic economic value of the region's natural resources, including productive grazing, agricultural and forestry land, extractive and mineral resources, marine and

coastal resources, and existing and planned water resources, including watercourses, water bodies and groundwater.

- (5) Natural assets identified by this planning scheme are protected as they underpin current and emerging tourism opportunities and important lifestyle values for residents.

Complies. The proposed development enhances the economy of the Rockhampton Planning Scheme Area. It achieves this by introducing a new industry into the Gracemere Industrial Area. This will diversify industrial development across the region and reinforce the overarching intent of the Gracemere Industrial Area to be developed as a major regional industrial area.

The performance assessment of the proposal demonstrates that the development will not compromise the *Rockhampton Region Planning Scheme 2015* strategic outcomes. The proposed development advances the Strategic Framework through the following key outcomes:

- The proposed development advances the intent of the Gracemere Industrial Area, to become a major regional industrial area, by diversifying the range of industrial uses accommodated in this area.
- The Strategic Framework states that new, large-scale and intensive industrial uses (including Special Industry land uses) will be encouraged to establish in the Gracemere Industrial Area.
- The proposed development will not result in any off-site impacts that will affect the amenity, safety or well-being of sensitive land uses or non-industrial zoned land in proximity to the site. It will also not cause any impact to important community and social infrastructure within the broader Gracemere catchment.
- The proposed development will not create any unsustainable impacts on any environmental values in proximity to the site nor cause any environmental harm.
- The proposed development will not affect the safety or efficiency of the surrounding transport network as Douglas Street is an Industrial Access Road, and B-Double Route to the east, which is appropriate for the nature of traffic generated from the proposed development.

The proposed development is therefore taken not to compromise the Strategic Framework.

Medium Impact Industry Zone

The subject site is situated within the Medium Impact Industry Zone under the *Rockhampton Region Planning Scheme 2015*. The purpose of the Medium Impact Industry Zone identifies that: -

- (a) the zone accommodates a wide range of industrial uses that are likely to have off-site impacts, including manufacturing, transport and the like and require larger sites located away from sensitive land use(s);
- (b) existing industrial uses which are not low or medium impact industry in nature continue to operate and expand in accordance with industry changes and demands, provided that any material changes in the intensity or scale of these uses do not worsen impacts and maintain appropriate separation distances. Should these industries cease to operate, new uses develop in accordance with the purpose for the zone;
- (c) the following uses are not located in the zone:
 - (i) high impact industries;

- (ii) special industries; and
 - (iii) uses which are more appropriately located in centres including shops, stand-alone office, shopping centre, showrooms and retail hardware;
- (d) sensitive land use(s) will not occur within the zone;
- (e) in the Parkhurst and Park Avenue medium impact industry zoned areas, service industry and low impact industry may be located within 250 metres of a residential or emerging community zone or an existing sensitive land use within a zone other than industrial;
- (f) a limited range of non-industry uses that are ancillary to and support industrial uses and people employed in the area are located in the zone. The scale of these uses does not compromise the role and function of existing or future planned centres and includes:
 - (i) caretaker's accommodation and ancillary administration offices associated with industrial uses;
 - (ii) warehousing and retail associated with, but ancillary to industrial uses carried out on the same site;
 - (iii) small-scale food and drink outlets servicing the day-to-day needs of the industrial zone;
 - (iv) non-resident workforce accommodation only when associated with an industrial use on the same site and located on an urban sub-arterial road or higher order road;
 - (v) service station;
 - (vi) uses which would be incompatible in a centres zone as a result of the size or nature of goods sold or the fitting services provided (for example agricultural supplies store, and bulk landscape supplies); and
 - (vii) uses that share similar characteristics and external impacts with low or medium impact industry uses such as hours of operation or the nature of the use (for example indoor sport and recreation facilities);
- (g) the viability of existing and future medium impact industry uses is not affected by the intrusion of incompatible uses;
- (h) large land holdings are provided to accommodate for large land consumptive industries;
- (i) development is located, designed and managed to maintain safety to people, and to avoid significant adverse effects on the natural environment;
- (j) development minimises adverse impacts on nearby non-industrial zoned land and sensitive land use(s) through building design, hours of operation, screening and landscaping;
- (k) the scale, siting and form of development, including car parking areas and landscaping contributes to a high standard of amenity;
- (l) development maximises the use of existing transport infrastructure and has safe and practical access to all modes of transport infrastructure and facilities, including airports and seaports;
- (m) development is designed to incorporate sustainable practices including maximising opportunities for energy efficiency, water conservation, public and active transport use;
- (n) development is sited and designed to respond to natural landscape features and environmental constraints;
- (o) development is connected to all infrastructure services available in the area; and
- (p) the establishment of one (1) precinct within the zone where particular requirements are identified:
 - (i) Gracemere saleyards precinct.

Gracemere saleyards precinct

- (2) The following overall outcomes of the Gracemere saleyards precinct are additional to the overall outcomes of the medium impact industry zone and take precedence in the event of a conflict:
- (a) development comprises a mixture of uses and works that support the marketing, health, transport, holding and sale of livestock;
 - (b) land uses which have synergies with the existing livestock exchange facilities (such as agricultural research and technology development), agricultural transportation activities, agricultural education and training facilities, veterinary facilities, exhibition facilities and others are supported in the precinct;
 - (c) small scale, ancillary uses such as offices, convention and function rooms or food and drink outlets which support the primary use of the precinct are encouraged in appropriate locations;
 - (d) development which does not complement the ongoing operation and development of the precinct for livestock and agricultural based industry will not occur;
 - (e) development on land adjoining or highly visible from the Capricorn Highway maintains a high standard of appearance through appropriate location, design, building and structure finishes and landscaping; and
 - (f) development does not impact on the safe and efficient operation of the Capricorn Highway.

The proposed development is not consistent with the purpose of the Zone. The purpose of the Medium Impact Industry Zone states that Special Industry uses are not to be located in this zone. Despite this, the proposed development is considered an appropriate development outcome for the subject site. This is based on the following items:

- The Medium Impact Industry Zone is designated to accommodate a wide range of industrial uses, including manufacturing activities which have the potential to cause off-site impacts;
- The proposed Special Industry land use is considered to share similar characteristics and external impacts with existing Medium Impact Industry land uses;
- The proposed development does not involve the storage or manufacturing of dangerous goods. The Ammonium-Nitrate solution (ANSOL) is classified as “hazardous” according to Safe Work Australia and will be used to manufacture fertiliser. This solution is not combustible and is completely dissolved in water which means that there are no visible particles of Ammonium-Nitrate;
- The proposed development is not approved to manufacture explosives, nor does it involve receiving prilled Ammonium-Nitrate. Prilled Ammonium-Nitrate is a security sensitive material and is regulated under the *Explosives Act 1999* by the Department of Natural Resources, Mines and Energy;
- The proposed development will not result in any off-site impacts that will affect the amenity, safety or well-being of sensitive land uses or non-industrial zoned land in proximity to the site. The proposed development has been appropriately conditioned and designed to prevent nuisance and environmental harm;
- The proposed development is designed to avoid significant adverse effects on the natural environment with regard to local water catchments and wetlands, and airborne pollution;

Note: The Department of Environment and Science (the Department) has also assessed the proposed development, as it involved an Environmentally Relevant Activity (ERA). The Department issued an Environmental Authority which authorised the ERA and included conditions to prevent environmental harm from occurring under the provisions of the *Environmental Protection Act 1994*.

- The proposed development is not considered to be an incompatible land use which would affect the viability of existing industrial uses within the Gracemere Industrial Area; and
- The proposed development maximises the use of existing transport infrastructure, and is appropriately located on Douglas Street, which is an Industrial Access Road and designated B-Double / Road-Train (Type 1) route to the east, having regard to the safety and efficiency of the transport network.

Regard was also given to locating the proposed development on land zoned “Special Industry” or “High Impact Industry”, in proximity to the Gracemere Industrial Area.

The current planning scheme area contains two (2) area located in the Special Industry Zone – the Stanwell Power Station and the Bajool Explosives Reserve. The proposed development is not appropriately located in the Special Industry zoned area which accommodates the Stanwell Power Station. This is because the proposed development is not an integral part of the operation of the Stanwell Power Station, nor does it provide a direct service to its operation. Similarly, the proposed development is not appropriately located within the Bajool Explosives Reserve. As the proposed development has no relationship with the manufacturing of explosives, it is not appropriate for development within this gazetted area.

High Impact Industry zoned land to the west of the Gracemere Overpass and surrounding Kabra was also determined not to be appropriate to accommodate the proposed development. This is because the transport infrastructure fronting those sites is not sufficient to accommodate the vehicular traffic generated from the development, with many of those sites not having appropriate access to B-Double / Road Train (Type 1) routes which are required to transport the fertiliser across Central Queensland.

For the abovementioned reasons, the proposed development is considered to be an appropriate development outcome for the subject site and appropriate for development within the Medium Impact Industry Zone.

Rockhampton Regional Planning Scheme Codes

The following codes are applicable to this application: -

- Medium Impact Industry Zone Code;
- Access, Parking and Transport Code;
- Flood Hazard Overlay Code;
- Landscape Code;
- Stormwater Management Code;
- Waste Management Code; and
- Water and Sewer Code.

An assessment has been made against the requirements of the abovementioned codes and the proposed development generally complies with the relevant Performance outcomes and Acceptable outcomes. An assessment of the Performance outcome/s which the application is in conflict with, is outlined below:

Medium Impact Industry Zone Code		
Performance Outcomes		Officer's Response
PO3	Development reflects the operational and functional needs of the use and provides design features that contribute to an attractive streetscape.	<p>The proposal involves the construction of a wall (eastern and western sides), which will exceed a length of fifteen (15) metres. The length of this wall will be approximately 18.5 metres, and is not built directly against another wall.</p> <p>The proposed shed is designed to contribute towards a high standard of amenity and reflects the operational needs of the proposed Transport Depot. The ancillary office, which is attached to the shed, is also oriented towards the Douglas Street road frontage, ensuring that the development contributes towards an attractive streetscape.</p>
PO7	Landscaping to road frontages must make a positive contribution to the streetscape and incorporate landscape elements that screen the scale and bulk of industrial forms.	<p>The proposed development does not incorporate landscaping on the Douglas Street road frontage.</p> <p>While no landscaping is proposed, the site is located in an existing industrial area and the proposed built form is consistent with the existing development pattern surrounding the site, particularly along Douglas Street. Further, the proposed development involves the construction of a single shed, which does not require landscape elements to screen the intensity of the proposed built form, given its small-scale nature.</p>
Access, Parking and Transport Code		
PO5	<p>Provision is made for on-site vehicle parking:</p> <ul style="list-style-type: none"> (a) to meet the demand likely generated by the development; and (b) to avoid on-street parking where that would adversely impact on the safety or capacity of the road network or unduly impact on local amenity. 	<p>The proposed plan of development does not specify a location for the provision of on-site car parking.</p> <p>The area of the site is approximately 2.7 hectares. The applicant has indicated that there will be no permanent staff associated with the use. It is considered that there is sufficient space on-site, accounting for the proposed office and shed, for parking and vehicle manoeuvring. The proposed development will also involve a maximum of fifteen (15) heavy vehicle movements per</p>

		day. It has been demonstrated that there is sufficient space on-site for the parking of these vehicles, and also their manoeuvring within the site. Therefore, there is not expected to be any on-street car parking to occur on Douglas Street which would adversely affect the safety or functionality of this road network.
Landscape Code		
PO1	<p>Landscaping is professionally designed and provides a suitably sized area to:</p> <ul style="list-style-type: none"> (a) create an attractive visual addition to a building or place; (b) soften the built form; (c) provide a space for on-site recreation; and (d) enable landscaping to establish and thrive under local conditions. 	<p>The proposed development does not incorporate any landscaping treatments.</p> <p>While no landscaping is proposed, the site is located in an existing industrial area and the proposed built form is consistent with the existing development pattern surrounding the site, particularly along Douglas Street. Further, the proposed development involves the construction of a single shed, which does not require landscape elements to screen the intensity of the proposed built form, given its small-scale nature.</p>

Based on a performance assessment of the above mentioned codes, it is determined that the proposal is acceptable and generally complies with the relevant Performance outcomes and where there is deviation from the codes, sufficient justification has been provided.

INFRASTRUCTURE CHARGES

Adopted Infrastructure Charges Resolution (No. 5) 2015 for non-residential development applies to the application and it falls within Charge Area 1. The Infrastructure Charges are as follows:

Column 1 Use Schedule		Column 2 Charge Area	Column 3 Adopted Infrastructure Charge		Column 4 Adopted Infrastructure Charge for stormwater network		Calculated Charge
			(\$)	Unit	(\$)	Unit	
High Impact Industry	All uses as per AICN 5/15 Table 2.2.1	Area 1	59.50	per m ² of GFA			\$26,239.50
					8.50	per m ² of impervious area	\$0.00
			Total				\$26,239.50
			Less credit				\$18,742.50
			TOTAL CHARGE				\$7,497.00

This is based on the following calculations:

- (a) A charge of \$26,239.50 for Gross Floor Area being 441 square metres (for the manufacturing shed and office);
- (b) A charge of \$0.00 for Impervious Area;
Note: The impervious area (uncovered bunded slab) has been captured under Development Permit D/45-2020.
- (c) An Infrastructure Credit of \$18,742.50, applicable for the existing Development Permit (ref: D/45-2020) over the subject site.

Note: The infrastructure credit is the charge associated with Development Permit D/45-2020. This credit also captured the previous credit applicable for the existing allotment.

Therefore, a total charge of \$7,497.00 is payable and will be reflected in an Infrastructure Charges Notice for the development.

CONSULTATION

The proposal was the subject of public notification between 24 July and 13 August 2020, as per the requirements of the *Planning Act 2016* and the Development Assessment Rules. Fifty-two (52) submissions were received. Of these, twenty-seven (27) submissions were properly made, and the remaining twenty-five (25) submissions were not properly made.

The following is a summary of the submissions lodged, with Council officer comments:

Issue	Officer's Response
<p><u>Location of the proposed development in proximity to sensitive land uses</u></p> <p>There are concerns regarding the proximity of the proposed development to several sensitive land uses, and in particular:</p> <ul style="list-style-type: none"> • Residential land uses; and • Waraburra State School. <p>These activities are potentially at risk from the off-site impacts from the proposed development, most prominently the risk of an explosion occurring. The proposed development is inappropriate on this site due to its proximity to these sensitive land uses.</p>	<p>The proposed development is located within the Gracemere Industrial Area, which is an established industrial area in the Rockhampton region. The subject site is located in the Medium Impact Industry Zone under the <i>Rockhampton Region Planning Scheme 2015</i>. While the subject site is located in proximity to several sensitive land uses (including residences and the Waraburra State School) the proposed development is not expected to affect the safety and well-being of these uses.</p> <p>The chemical manufacturing process (for the production of liquid fertiliser) has been assessed by the Department of Environment and Science (DES), as the use involves an Environmentally Relevant Activity (ERA). DES has issued an Environmental Authority (EA) permit, which approves the activity subject to conditions, under the provisions of the <i>Environmental Protection Act 1994</i>. The conditions imposed by DES specifically prevent any impacts to nearby sensitive land uses which may affect their amenity, safety and well-being, or cause environmental harm. These include the following:</p> <ul style="list-style-type: none"> • Chemical storage and manufacturing must only take place within the enclosed shed and bunded slab; • Odour or airborne contaminants must not cause an environmental nuisance to any sensitive or commercial place; • Contaminants must not be released to land and water. <p>The EA Permit also contains several additional conditions relating to the safe and</p>

Issue	Officer's Response
	<p>efficient management of the ERA and prevention of environmental harm (ref: EA0002454).</p> <p>Council has also assessed the proposed development and its proximity to sensitive land uses. The application made to Council is specifically for the production of liquid fertiliser (Urea Ammonium-Nitrate). Its production involves the mixing of an Ammonium-Nitrate Solution (ANSOL) with prilled urea. The ANSOL which will arrive at the site is not combustible, and is completely dissolved in water – meaning that there are no visible particles of Ammonium-Nitrate in an aqueous solution. The ANSOL product is not classified as a “dangerous good” under the Australian Dangerous Goods Code for transport by road and rail.</p> <p>The proposed development does not involve the storage of prilled Ammonium-Nitrate which is used to manufacture explosives. Prilled Ammonium-Nitrate is a security sensitive material which is monitored and regulated by the Department of Natural Resources, Mines and Energy because of its potential to manufacture explosives. The ANSOL which will be present at the subject site is not in prilled form and cannot be used to manufacture explosives.</p> <p>Appropriate design measures and on-site management practices have also been implemented to prevent impacts to sensitive land uses and the local environment. These measures include the following:</p> <ul style="list-style-type: none">• Transporting chemicals to the site in sealed containers, such as ISO tank containers or intermediate bulk containers;• Transferring raw chemicals and manufactured UAN using a sealed fluid transfer system;• Manufacturing UAN inside a sealed mixing vessel; and

Issue	Officer's Response
	<ul style="list-style-type: none"> Storing manufactured UAN in sealed bulk storage tanks. <p>These measures have been assessed and approved by DES as part of the EA Permit under the provisions of the <i>Environmental Protection Act 1994</i>. Council considers these practices as appropriate in mitigating any risk for environmental harm to the local environment and nuisance to sensitive land uses in proximity to the site.</p>
<p><u>Appropriateness of the proposed development within the Medium Impact Industry Zone</u></p> <p>The Medium Impact Industry Zone Code states that Special Industries are not located in this zone. The proposed development is more appropriately located in areas zoned as High Impact Industry or Special Industry.</p>	<p>The purpose of the Medium Impact Industry Zone states that Special Industry uses are not to be located in this zone. Despite this, the zones purpose also states that the purpose of the Medium Impact Industry Zone will be achieved by accommodating a wide range of industrial uses which are likely to have off-site impacts. The proposed development is also considered to share similar characteristics and external impacts with existing Medium Impact Industry land uses which are located in proximity to the site.</p> <p>The proposed development is located in an established industrial area, which advances the consolidation of industrial uses on planned industrial land. The subject site has an extensive road frontage and access to Douglas Street, which is an Industrial Access Road and designated B-Double route. The established road network enables appropriate serviceability of the site. The proposed development will also contribute to the expansion and delivery of infrastructure to the area.</p> <p>The proposed development also aligns with the Specific Outcomes – Industrial (existing and future), contained in the Strategic Framework under the <i>Rockhampton Region Planning Scheme 2015</i>. The proposed development is considered an appropriate development outcome for the site as it ensures the consolidation of industrial uses on planned industrial land, and has good access to key transport networks. It also advances the overarching intent of the Gracemere Industrial Area – which is to be established as a major regional industrial area – by diversifying the range of industrial</p>

Issue	Officer's Response
	<p>uses accommodated in this area. The Strategic Framework also states that new, large-scale and intensive industrial uses (including Special Industry land uses) will be encouraged to establish in the Gracemere Industrial Area.</p> <p>Regard was also given to locating the proposed development on land zoned "Special Industry" or "High Impact Industry", within or in proximity to the Gracemere Industrial Area.</p> <p>The proposed development is not appropriately located in the Special Industry zoned area which accommodates the Stanwell Power Station. This is because the proposed development is not an integral part of the operation of the Stanwell Power Station, nor does it provide a direct service to its operation. Similarly, the proposed development is not appropriately located within the Bajool Explosives Reserve – which is also located in the Special Industry Zone. As the proposed development has no relationship with the manufacturing of explosives, it is not appropriate for development within this gazetted area.</p> <p>High Impact Industry zoned land to the west of the Gracemere Overpass and surrounding Kabra was also determined not to be appropriate to accommodate the proposed development. This is because the transport infrastructure fronting those sites is not sufficient to accommodate the vehicular traffic generated from the development, with many of those sites not having appropriate access to B-Double / Road Train (Type 1) routes.</p> <p>Further, the proposed development will be fully contained within the proposed industrial building as conditioned by the Department of Environment and Science (DES) as part of the Environmental Authority (EA). The proposed land use is not expected to have any impacts on the surrounding environment. This is supported by an Environmental Report that provides an overview of the potential impacts. A further assessment was undertaken by DES who have issued an EA which approves the associated Environmentally Relevant</p>

Issue	Officer's Response
	Activity for chemical manufacturing. The proposed development does not conflict with the surrounding land uses, nor does it compromise the intent of the Medium Impact Industry Zone.
<p><u>Explosive nature of Ammonium-Nitrate</u></p> <p>Concerns regarding presence of Ammonium-Nitrate on site. Specifically, the following matters:</p> <ul style="list-style-type: none"> • Clarification on the risk assessment undertaken if the “plant” was to malfunction and the Ammonium-Nitrate solution potentially drying out; • There are minimal staff on-site to monitor a potential disaster occurring; • Ammonium-Nitrate is a strong oxidiser and can react violently with other chemicals; and <p>Each of the above points was made with reference to global events regarding Ammonium-Nitrate storage occurring in, but not limited to, Beirut, Oklahoma City and the World Trade Centre bombings.</p>	<p>Ammonium Nitrate will arrive on-site in solution (ANSOL) and will always remain in solution. It will then be immediately further diluted by adding up to 9kL of potable water. The process simply involves the mixing of products using an agitator in a large mixing tank. There is no chemical reaction involved, and no possibility of ANSOL drying out during this process, or while in storage as a finished fertiliser. The proposed development does not involve the storage of prilled Ammonium-Nitrate which is used to manufacture explosives. Further, staffing is commensurate with the process involved.</p> <p>The ANSOL will not be stored on-site. ANSOL will arrive in an ISO container on trucks from Gladstone, and be pumped into the mixing tank immediately upon arrival. Urea is then added in measured quantity, and an agitator mixes the product until the Urea is completely dissolved in solution. The process is completely contained, and there is no risk of unintended chemical contact with ANSOL.</p> <p>In the cases of Beirut, Oklahoma and the World Trade Centre bombings, all involved prilled Ammonium-Nitrate. Prilled Ammonium-Nitrate is a designated Security Sensitive Explosive. This is in contrast with the ANSOL product prescribed for the manufacture of fertiliser. The proposed development does not involve the storage or handling of prilled Ammonium-Nitrate.</p>
<p><u>Auditing and monitoring of 'environmental conditions</u></p> <p>Clarification was sought regarding the monitoring and fulfilment of any environmental conditions imposed on the development. The same submission queried whether the approval was “open-ended” and allowed other activities to operate under the Environmental Authority Permit and Development Permit.</p>	<p>The proposed chemical manufacturing activity is an Environmentally Relevant Activity (ERA) under the provisions of the <i>Environmental Protection Act 1994</i>. The Department of Environment and Science (DES) has assessed the application, and on 18 August 2020 issued an Environmental Authority (EA) (ref: EA002454), which prescribes conditions to protect the receiving environment.</p> <p>DES is responsible for monitoring and</p>

Issue	Officer's Response
	<p>auditing of environmental conditions prescribed under the EA permit. Condition G8 of the EA Permit requires monitoring to be undertaken in the manner prescribed by DES to investigate a complaint of environmental nuisance. Condition G1 of the permit also states that any breach of environmental conditions must be reported to DES as soon as practicable. The EA also includes conditions to monitor releases of stormwater from the bunded bulk UAN storage area to ensure there is no impact on the receiving environment. Any non-compliance with activities associated with the ERA and the EA Permit are the responsibility of DES.</p> <p>In regards to whether the approval is "open-ended", and allows other activities to operate under the EA and Development Permit. The Development Permit will specifically be for Special Industry (manufacturing liquid fertiliser (urea-ammonium nitrate)). Any change to the use, being an increase in the scale and intensity of the operation, will trigger a separate development application. Any approval from Council does not permit the manufacturing of bulk explosives. This would be subject to a separate development application to Council.</p> <p>Further, should the applicant seek to undertake a separate Environmentally Relevant Activity (ERA) on the subject site, then this would require a new application for an Environmental Authority to DES. This would also require a further development approval from the State Government.</p>
<p><u>Storage and quantities of Ammonium-Nitrate on site</u></p> <p>Clarification on the quantity and type of Ammonium-Nitrate stored on the site, and whether raw materials will be stored undercover.</p>	<p>Only an Ammonium-Nitrate solution (ANSOL) will be used during the manufacturing process. ANSOL will arrive on-site in ISO containers as required for batching, and will then be decanted directly into the mixing tank shortly after its arrival, ready for the mixing process to start immediately. The proposed development does not involve the storage or handling of prilled Ammonium-Nitrate. The proposed development is restricted to manufacture up to 5,000 tonnes of fertiliser per annum under the Environmental Authority Permit</p>

Issue	Officer's Response
	(condition G2).
<p><u>Water supply contamination</u></p> <p>There are concerns regarding contamination to local water supply in the event of a spill from the proposed development and washing equipment. Underground water and tank water is heavily relied upon in the immediate community which is also used for maintaining livestock. There is also a watercourse traversing the site where the fall of the land flows into a golf course, pony club, sporting fields and the Gracemere lagoon.</p> <p>Submissions also raised concerns with fumes and airborne contaminants affecting the local water supply.</p>	<p>The proposed shed, which will accommodate the manufacturing of Urea Ammonium-Nitrate (UAN), will have a secondary containment system. The concrete hardstand area adjoining the shed, which will accommodate the manufactured UAN in holding tanks, will also be bunded. These proposed measures have been designed to prevent any potential spills from the proposed development from entering the local watercourse which will negate the risk of water contamination for the surrounding Gracemere community. These systems and measures have been assessed and reviewed by the Department of Environment and Science (DES) as part of the Environmental Authority (EA).</p> <p>There are also several on-site management practices proposed which will prevent any water contamination from occurring. These include the following:</p> <ul style="list-style-type: none"> • Transporting chemicals to the site in sealed containers, such as ISO tank containers or intermediate bulk containers; • Transferring raw chemicals and manufactured UAN using a sealed fluid transfer system; • Manufacturing UAN inside a sealed mixing vessel; and • Storing manufactured UAN in sealed bulk storage tanks. <p>The EA Permit also contains conditions to prevent any risk of water contamination. This includes ensuring that contaminants are not released to any waters (condition W1) and contaminants are not to be released to groundwater (condition W2). The proposed development does not involve the washing of mixing VATs and other storage containers on-site – eliminating the risk of groundwater contamination. The EA Permit also requires any chemical storage or manufacturing</p>

Issue	Officer's Response
	<p>activities to occur within the enclosed shed and bunded slab (condition G2).</p> <p>Council has also included a condition which prevents washing of plant equipment and vehicles on-site unless an approved washdown bay is constructed to prevent contamination to the local stormwater system. This condition was also included as part of the concurrent Development Permit for the Transport Depot located on the same site (ref: D/45-2020).</p> <p>Further, there are not expected to be any emissions produced from the proposed development which will affect local water supply. Manufacturing UAN is a completely sealed process and does not result in any point-source emissions from the process.</p>
<p><u>Dust pollution</u></p> <p>The local industrial area already has prevalent dust-related issues and the proposed development will exacerbate these. The proposed development will increase current airborne pollution issues for residents which is already at terminal velocity.</p>	<p>Vehicle movements associated with the proposed development are considered to be relatively minor. Most vehicle movements will be associated with the coinciding Transport Depot which will occur on the same site. The Transport Depot was approved by Council, and is a consistent form of development within the Medium Impact Industry Zone (ref: D/45-2020). This Development Permit includes a condition requiring the applicant to surface treat vehicle manoeuvring areas to Council's satisfaction to ensure that there is no significant impact on the amenity to the surrounding area due to the emission of dust or sediment laden water. This will also be assessed as part of a future Operational Works application which is a requirement of that Development Permit. For consistency, Council has also included these conditions as part of this current development application (ref: D/69-2020). Council has also imposed development conditions relating to dust mitigation.</p> <p>The UAN manufacturing process will not carry any risk of dust generation, given that the entire process will be conducted within a fully enclosed manufacturing shed which will be constructed on a concrete pad. There will be no other airborne pollution associated with the manufacturing process, with the Environmental Authority Permit</p>

Issue	Officer's Response
	restricting the release of odours and airborne contaminants (condition A1).
<p><u>Noise pollution</u></p> <p>The amenity of surrounding residential properties will be affected by the proposed 24 hour operation. Specifically, trucks travelling on Douglas Street. There are existing businesses in the surrounding area already causing an amenity issue from noise, and the proposed development will worsen these pre-existing impacts.</p>	<p>The proposed chemical manufacturing activity is an Environmentally Relevant Activity (ERA) that the Department of Environment and Science (DES) has assessed for potential impacts on the acoustic environment under the provisions of the <i>Environmental Protection Act 1994</i>. DES has included conditions in the Environmental Authority (EA) Permit which ensure the protection of the acoustic environment. The applicant will be required to operate in accordance with the conditions of the EA Permit.</p> <p>Council has also included a condition relating to nuisance monitoring, in the event that Council is in receipt of a genuine complaint of noise nuisance.</p>
<p><u>Odour issues</u></p> <p>With sensitive land uses located in proximity to the site, there is concern about the potential for odour emissions and other airborne contaminants affecting the well-being of surrounding community.</p>	<p>UAN is described as having a slight ammonia smell when in very close proximity of the product. The fully contained design of the mixing process, and bulk storage of the finished UAN product, will ensure that any odour is contained. The entire manufacturing process is fully contained within the industrial building.</p>
<p><u>Road-Train and B-Double Access</u></p> <p>Concerns regarding Road-Trains and B-Doubles accessing the site from the western side of Douglas Street. This side of Douglas Street is too narrow and traverses residential areas. Further, Road-Train and B-Double mapping is not consistent with current road requirements in this area.</p>	<p>The western portion of Douglas Street is not designated as a B-Double or Road Train (RT1) route. This restriction commences from the western-most side of Lot 103 on RP604012. B-Doubles or Road Trains accessing the subject site for the proposed development will only be able to do so from the eastern side of Douglas Street. Similarly, Council has also imposed a condition restricting B-Doubles and Road Trains (RT1) to egress to the "right" only, onto Douglas Street. This will restrict vehicles from traversing to the western corridor of Douglas Street.</p> <p>B-Doubles or Road Trains (RT1) traversing through the western portion of Douglas Street, fronting the residential properties is not permitted. The transport route for the proposed development will be to and from the Capricorn Highway, via the Gracemere Overpass onto Somerset Road, onto Macquarie Street and Douglas Street where</p>

Issue	Officer's Response
	access is gained into the subject site. Transport (B-Doubles and Road Trains (RT1)) vehicles will not access the western end of Douglas Street.
<p><u>Location of site adjoining a Transport Depot</u></p> <p>The subject site adjoins an existing Transport Depot to the east. There are concerns that this Transport Depot holds diesel which can act as a detonator to Ammonium-Nitrate. There are also concerns regarding how equipment will be washed and the potential contamination this could cause to the adjoining Transport Depot.</p>	<p>The Ammonium-Nitrate solution (ANSOL) is pumped from an ISO container into the mixing tank, shortly after arrival on-site. There is no storage of ANSOL on-site.</p> <p>The Environmental Authority (EA) also requires the applicant to undertake all chemical storage and chemical manufacturing within the enclosed shed and bunded slab (condition G2). This will prevent any contamination to the adjoining Transport Depot.</p> <p>The proposed development does not involve the washing of mixing VATs and other storage containers on-site – eliminating the risk of groundwater contamination. Council has also included a condition which prevents washing of plant equipment and vehicles on-site unless an approved washdown bay is constructed to prevent contamination to the local stormwater system. This condition was also included as part of the concurrent Development Permit for the Transport Depot located on the same site (ref: D/45-2020).</p> <p>The applicant consulted with the adjoining property owner who operates the Transport Depot (Emerald Carrying Company). The adjoining owner was satisfied that the proposed development was low risk. They also provided a properly-made submission, which emphasised their support for the proposed development. Council has also conditioned the applicant to construct a one (1) metre high concrete block wall and bund Emerald Carrying Company side of the wall.</p>
<p><u>Clearing trees</u></p> <p>The undeveloped site had a collection of trees which have now been cleared. Clarification is sought on whether there was approval obtained to remove these trees</p>	<p>The subject site is not mapped as containing vegetation which is of local or state environmental significance. A permit was not required to remove these trees from the site.</p>
<p><u>Security of the development</u></p> <p>There are concerns regarding the security of the site where "history" has shown that where Ammonium-Nitrate is stored, it</p>	<p>The cases of Beirut, Oklahoma and the World Trade Centre bombings, all involved prilled Ammonium-Nitrate. Prilled Ammonium-Nitrate is in solid form and is</p>

Issue	Officer's Response
<p>becomes a target for explosives and other illegal uses. Reference was made to bombings in Bali, Oklahoma City and the World Trade Centre.</p>	<p>designated as a Security Sensitive Product which is used by industry for manufacturing explosives. No prilled Ammonium-Nitrate, or explosives, are used in the production of UAN liquid fertiliser. The proposed development does not involve the storage or handling of prilled Ammonium-Nitrate.</p> <p>Further, the site will be fully fenced and compliant with <i>Australian Standard AS1725</i>. Site security will also include video surveillance.</p>
<p><u>Commencement of Operational Work on the site</u></p> <p>The subject site has already been cleared and sealed without obtaining any approval from Council for these works.</p>	<p>The subject site was also the subject of a correlating Development Application for a Transport Depot (ref: D/45-2020). The application was approved, subject to conditions, on 18 August 2020.</p> <p>The unsealed pavement area, which involved clearing the site, will be used to store trucks and other vehicles associated with the approved Transport Depot. The Development Permit for the Transport Depot (ref: D/45-2020), includes conditions requiring the applicant to obtain further Operational Works permits for access and parking. This is accompanied by additional conditions requiring that all parking areas, including the unsealed pavement area, be designed and constructed in accordance with the <i>Capricorn Municipal Development Guidelines</i> and <i>Australian Standard AS2890 "Parking Facilities"</i>.</p>
<p><u>Relationship to the Transport Depot on the subject site</u></p> <p>Some submitters raised questions regarding the relationship with the approved Transport Depot on the subject site.</p>	<p>A Transport Depot was recently approved on the subject site (reference: D/45-2020). A Transport Depot is defined as the use of the premises for storing vehicles, or machinery that are used for a commercial or public purpose. The intent is for the Transport Depot use, to operate in conjunction with the proposed development on the subject site.</p> <p>The proposed Transport Depot will primarily use the unsealed pavement area identified on the proposed plan. The shed includes an ancillary office which may be used by staff associated with the Transport Depot (e.g. staff sign-in register, storage of general equipment). The main shed and uncovered slab will accommodate all activities associated with the Special Industry use.</p>

Issue	Officer's Response
	As part of Council's information request for the current application (reference: D/69-2020), the applicant was asked to clarify whether any fuelling of vehicles associated with the Transport Depot would occur on the site. The applicant's response confirmed that no refuelling of vehicles will occur on the subject site.
<p><u>Bushfire Hazard</u></p> <p>There are concerns regarding the potential impact of a bushfire event on the proposed plant.</p>	The subject site is not identified as containing a Bushfire Hazard under the current planning scheme. Sites adjoining, or in close proximity to, the subject site also do not contain any identified bushfire hazard. A Bushfire Hazard Assessment was not required as part of the assessment of the current development application. The closest bushfire hazard identified on the planning scheme maps are approximately four (4) kilometres to the west, and six (6) kilometres to the south of the subject site. Bushfire Hazard is not expected to cause any risk to the proposed development, nor the amenity of surrounding residences as a consequence of the proposed development.
<p><u>Effect on property values surrounding the site</u></p> <p>Several submissions discussed the effect of the proposed development on surrounding property values.</p>	Property values are not a planning ground.
<p><u>Tourism and revenue stream</u></p> <p>The proposed development will affect tourism and revenue stream across the Gracemere area.</p>	The proposed development is not considered to cause any implications on tourism or revenue stream for the Gracemere locality. The subject site is located in the Medium Impact Industry Zone which accommodates a wide range of industrial uses.

REFERRALS

The proposal was the subject of a referral to the Department of State Development, Tourism and Innovation (the Department). The referral was required as the proposed development involved an Environmentally Relevant Activity (ERA), which was not devolved to Council. Specifically, ERA 7 for Chemical Manufacturing.

On 19 August 2020, the Department provided a referral agency response which approved the development application, with no conditions required.

Additionally, the Department of Environment and Science issued an Environmental Authority for the ERA which approved the proposed development subject to conditions.

The Environmental Authority contains conditions relating to acoustic, land, air and water considerations associated with the proposed ERA for chemical manufacturing.

STATEMENT OF REASONS

Description of the development	The proposed development is for Material Change of Use for Special Industry (manufacturing liquid fertiliser (urea-ammonium nitrate)) and Environmentally Relevant Activity 7 – Chemical Manufacturing
Reasons for Decision	<p>a) The proposed development is located in an established industrial area, and advances the strategic intent of the Gracemere Industrial Area by diversifying the range of industrial uses accommodated in the locality;</p> <p>b) The proposed development will not adversely affect the safety, amenity and well-being of sensitive land uses in proximity to the subject site with appropriate mitigation measures conditioned to prevent environmental harm to the local environment and sensitive land uses;</p> <p>c) The production of urea ammonium-nitrate (UAN) does not require the use of any dangerous goods or involve chemical reactions. The ammonium-nitrate solution used to manufacture UAN at the subject site is not combustible and is completely dissolved in water – meaning that there are no visible particles of ammonium-nitrate in the solution;</p> <p>d) The chemical manufacturing process has been assessed by the Department of Environment and Science and approved under the provisions of the <i>Environmental Protection Act 1994</i> as part of an Environmental Authority;</p> <p>e) The proposed use does not compromise the strategic framework in the <i>Rockhampton Region Planning Scheme 2015</i>;</p> <p>f) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity;</p> <p>g) The proposed development does not compromise the relevant State Planning Policy; and</p> <p>h) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with an aspect of the assessment benchmarks.</p>
Assessment Benchmarks	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Medium Impact Industry Zone Code; • Access, Parking and Transport Code; • Flood Hazard Overlay Code; • Landscape Code; • Stormwater Management Code;

	<ul style="list-style-type: none"> • Waste Management Code; and • Water and Sewer Code. 	
Compliance with assessment benchmarks	The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.	
	Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
	Medium Impact Industry Zone Code (PO3)	<p>The proposal involves the construction of a wall (eastern and western sides), which will exceed a length of fifteen (15) metres. The length of this wall will be approximately 18.5 metres, and is not built directly against another wall.</p> <p>The proposed shed is designed to contribute towards a high standard of amenity and reflects the operational needs of the proposed Transport Depot. The ancillary office, which is attached to the shed, is also oriented towards the Douglas Street road frontage, ensuring that the development contributes towards an attractive streetscape.</p>
	(PO7)	<p>The proposed development does not incorporate landscaping on the Douglas Street road frontage.</p> <p>While no landscaping is proposed, the site is located in an existing industrial area and the proposed built form is consistent with the existing development pattern surrounding the site, particularly along Douglas Street. Further, the proposed development involves the construction of a single shed, which does not require landscape elements to screen the intensity of the proposed built form, given its small-scale nature.</p>
	Access, Parking and Transport Code (PO5)	<p>The proposed plan of development does not specify a location for the provision of on-site car parking.</p> <p>The area of the site is approximately 2.7 hectares. The applicant has indicated that there will be no permanent staff associated with the use. It is considered that there is sufficient space on-site, accounting for the proposed office and shed, for parking and vehicle manoeuvring. The proposed development will also involve a maximum of fifteen (15) heavy vehicle movements per day. It has been demonstrated that there is sufficient space on-site for the parking of these vehicles, and also their manoeuvring</p>

		within the site. Therefore, there is not expected to be any on-street car parking to occur on Douglas Street which would adversely affect the safety or functionality of this road network.
	Landscape Code (PO1)	The proposed development does not incorporate any landscaping treatments. While no landscaping is proposed, the site is located in an existing industrial area and the proposed built form is consistent with the existing development pattern surrounding the site, particularly along Douglas Street. Further, the proposed development involves the construction of a single shed, which does not require landscape elements to screen the intensity of the proposed built form, given its small-scale nature.
Matters raised in submissions	Issue	How matter was dealt with
	Location of the proposed development in proximity to sensitive land uses	<p>The proposed development is located within the Gracemere Industrial Area, which is an established industrial area in the Rockhampton region. The subject site is located in the Medium Impact Industry Zone under the <i>Rockhampton Region Planning Scheme 2015</i>. While the subject site is located in proximity to several sensitive land uses (including residences and the Waraburra State School) the proposed development is not expected to affect the safety and well-being of these uses.</p> <p>The chemical manufacturing process (for the production of liquid fertiliser) has been assessed by the Department of Environment and Science (DES), as the use involves an Environmentally Relevant Activity (ERA). DES has issued an Environmental Authority (EA) permit, which approves the activity subject to conditions, under the provisions of the <i>Environmental Protection Act 1994</i>. The conditions imposed by DES specifically prevent any impacts to nearby sensitive land uses which may affect their amenity, safety and well-being, or cause environmental harm. These include the following:</p> <ul style="list-style-type: none"> • Chemical storage and manufacturing must only take

		<p>place within the enclosed shed and banded slab;</p> <ul style="list-style-type: none">• Odour or airborne contaminants must not cause an environmental nuisance to any sensitive or commercial place;• Contaminants must not be released to land and water. <p>The EA Permit also contains several additional conditions relating to the safe and efficient management of the ERA and prevention of environmental harm (ref: EA0002454).</p> <p>Council has also assessed the proposed development and its proximity to sensitive land uses. The application made to Council is specifically for the production of liquid fertiliser (Urea Ammonium-Nitrate). Its production involves the mixing of an Ammonium-Nitrate Solution (ANSOL) with prilled urea. The ANSOL which will arrive at the site is not combustible, and is completely dissolved in water – meaning that there are no visible particles of Ammonium-Nitrate in an aqueous solution. The ANSOL product is not classified as a “dangerous good” under the Australian Dangerous Goods Code for transport by road and rail.</p> <p>The proposed development does not involve the storage of prilled Ammonium-Nitrate which is used to manufacture explosives. Prilled Ammonium-Nitrate is a security sensitive material which is monitored and regulated by the Department of Natural Resources, Mines and Energy because of its potential to manufacture explosives. The ANSOL which will be present at the subject site is not in prilled form and cannot be used to manufacture explosives.</p> <p>Appropriate design measures and on-site management practices have also been implemented to prevent impacts to sensitive land uses and the local environment. These measures include</p>
--	--	--

		<p>the following:</p> <ul style="list-style-type: none"> • Transporting chemicals to the site in sealed containers, such as ISO tank containers or intermediate bulk containers; • Transferring raw chemicals and manufactured UAN using a sealed fluid transfer system; • Manufacturing UAN inside a sealed mixing vessel; and • Storing manufactured UAN in sealed bulk storage tanks. <p>These measures have been assessed and approved by DES as part of the EA Permit under the provisions of the <i>Environmental Protection Act 1994</i>. Council considers these practices as appropriate in mitigating any risk for environmental harm to the local environment and nuisance to sensitive land uses in proximity to the site.</p>
	<p>Appropriateness of the proposed development within the Medium Impact Industry Zone</p>	<p>The purpose of the Medium Impact Industry Zone states that Special Industry uses are not to be located in this zone. Despite this, the zones purpose also states that the purpose of the Medium Impact Industry Zone will be achieved by accommodating a wide range of industrial uses which are likely to have off-site impacts. The proposed development is also considered to share similar characteristics and external impacts with existing Medium Impact Industry land uses which are located in proximity to the site.</p> <p>The proposed development is located in an established industrial area, which advances the consolidation of industrial uses on planned industrial land. The subject site has an extensive road frontage and access to Douglas Street, which is an Industrial Access Road and designated B-Double route. The established road network enables appropriate serviceability of the site. The proposed development will also</p>

		<p>contribute to the expansion and delivery of infrastructure to the area.</p> <p>The proposed development also aligns with the Specific Outcomes – Industrial (existing and future), contained in the Strategic Framework under the <i>Rockhampton Region Planning Scheme 2015</i>. The proposed development is considered an appropriate development outcome for the site as it ensures the consolidation of industrial uses on planned industrial land, and has good access to key transport networks. It also advances the overarching intent of the Gracemere Industrial Area – which is to be established as a major regional industrial area – by diversifying the range of industrial uses accommodated in this area. The Strategic Framework also states that new, large-scale and intensive industrial uses (including Special Industry land uses) will be encouraged to establish in the Gracemere Industrial Area.</p> <p>Regard was also given to locating the proposed development on land zoned “Special Industry” or “High Impact Industry”, within or in proximity to the Gracemere Industrial Area.</p> <p>The proposed development is not appropriately located in the Special Industry zoned area which accommodates the Stanwell Power Station. This is because the proposed development is not an integral part of the operation of the Stanwell Power Station, nor does it provide a direct service to its operation. Similarly, the proposed development is not appropriately located within the Bajool Explosives Reserve – which is also located in the Special Industry Zone. As the proposed development has no relationship with the manufacturing of explosives, it is not appropriate for development within this gazetted area.</p> <p>High Impact Industry zoned land to the west of the Gracemere Overpass and surrounding Kabra was also determined not to be appropriate to accommodate the proposed development. This is</p>
--	--	---

		<p>because the transport infrastructure fronting those sites is not sufficient to accommodate the vehicular traffic generated from the development, with many of those sites not having appropriate access to B-Double / Road Train (Type 1) routes.</p> <p>Further, the proposed development will be fully contained within the proposed industrial building as conditioned by the Department of Environment and Science (DES) as part of the Environmental Authority (EA). The proposed land use is not expected to have any impacts on the surrounding environment. This is supported by an Environmental Report that provides an overview of the potential impacts. A further assessment was undertaken by DES who have issued an EA which approves the associated Environmentally Relevant Activity for chemical manufacturing. The proposed development does not conflict with the surrounding land uses, nor does it compromise the intent of the Medium Impact Industry Zone.</p>
	Explosive nature of Ammonium-Nitrate	<p>Ammonium Nitrate will arrive on-site in solution (ANSOL) and will always remain in solution. It will then be immediately further diluted by adding up to 9kL of potable water. The process simply involves the mixing of products using an agitator in a large mixing tank. There is no chemical reaction involved, and no possibility of ANSOL drying out during this process, or while in storage as a finished fertiliser. The proposed development does not involve the storage of prilled Ammonium-Nitrate which is used to manufacture explosives. Further, staffing is commensurate with the process involved.</p> <p>The ANSOL will not be stored on-site. ANSOL will arrive in an ISO container on trucks from Gladstone, and be pumped into the mixing tank immediately upon arrival. Urea is then added in measured quantity, and an agitator mixes the product until the Urea</p>

		<p>is completely dissolved in solution. The process is completely contained, and there is no risk of unintended chemical contact with ANSOL.</p> <p>In the cases of Beirut, Oklahoma and the World Trade Centre bombings, all involved prilled Ammonium-Nitrate. Prilled Ammonium-Nitrate is a designated Security Sensitive Explosive. This is in contrast with the ANSOL product prescribed for the manufacture of fertiliser. The proposed development does not involve the storage or handling of prilled Ammonium-Nitrate.</p>
	Auditing and monitoring of 'environmental conditions	<p>The proposed chemical manufacturing activity is an Environmentally Relevant Activity (ERA) under the provisions of the <i>Environmental Protection Act 1994</i>. The Department of Environment and Science (DES) has assessed the application, and on 18 August 2020 issued an Environmental Authority (EA) (ref: EA002454), which prescribes conditions to protect the receiving environment.</p> <p>DES is responsible for monitoring and auditing of environmental conditions prescribed under the EA permit. Condition G8 of the EA Permit requires monitoring to be undertaken in the manner prescribed by DES to investigate a complaint of environmental nuisance. Condition G1 of the permit also states that any breach of environmental conditions must be reported to DES as soon as practicable. The EA also includes conditions to monitor releases of stormwater from the bunded bulk UAN storage area to ensure there is no impact on the receiving environment. Any non-compliance with activities associated with the ERA and the EA Permit are the responsibility of DES.</p> <p>In regards to whether the approval is "open-ended", and allows other activities to operate under the EA and Development Permit. The Development Permit will specifically be for Special Industry (manufacturing liquid fertiliser</p>

		<p>(urea-ammonium nitrate)). Any change to the use, being an increase in the scale and intensity of the operation, will trigger a separate development application. Any approval from Council does not permit the manufacturing of bulk explosives. This would be subject to a separate development application to Council.</p> <p>Further, should the applicant seek to undertake a separate Environmentally Relevant Activity (ERA) on the subject site, then this would require a new application for an Environmental Authority to DES. This would also require a further development approval from the State Government.</p>
	Storage and quantities of Ammonium-Nitrate on site	<p>Only an Ammonium-Nitrate solution (ANSOL) will be used during the manufacturing process. ANSOL will arrive on-site in ISO containers as required for batching, and will then be decanted directly into the mixing tank shortly after its arrival, ready for the mixing process to start immediately. The proposed development does not involve the storage or handling of prilled Ammonium-Nitrate. The proposed development is restricted to manufacture up to 5,000 tonnes of fertiliser per annum under the Environmental Authority Permit (condition G2).</p>
	Water supply contamination	<p>The proposed shed, which will accommodate the manufacturing of Urea Ammonium-Nitrate (UAN), will have a secondary containment system. The concrete hardstand area adjoining the shed, which will accommodate the manufactured UAN in holding tanks, will also be bunded. These proposed measures have been designed to prevent any potential spills from the proposed development from entering the local watercourse which will negate the risk of water contamination for the surrounding Gracemere community. These systems and measures have been assessed and reviewed by the Department of Environment and Science (DES) as part of the</p>

		<p>Environmental Authority (EA).</p> <p>There are also several on-site management practices proposed which will prevent any water contamination from occurring. These include the following:</p> <ul style="list-style-type: none">• Transporting chemicals to the site in sealed containers, such as ISO tank containers or intermediate bulk containers;• Transferring raw chemicals and manufactured UAN using a sealed fluid transfer system;• Manufacturing UAN inside a sealed mixing vessel; and• Storing manufactured UAN in sealed bulk storage tanks. <p>The EA Permit also contains conditions to prevent any risk of water contamination. This includes ensuring that contaminants are not released to any waters (condition W1) and contaminants are not to be released to groundwater (condition W2). The proposed development does not involve the washing of mixing VATs and other storage containers on-site – eliminating the risk of groundwater contamination. The EA Permit also requires any chemical storage or manufacturing activities to occur within the enclosed shed and bunded slab (condition G2).</p> <p>Council has also included a condition which prevents washing of plant equipment and vehicles on-site unless an approved washdown bay is constructed to prevent contamination to the local stormwater system. This condition was also included as part of the concurrent Development Permit for the Transport Depot located on the same site (ref: D/45-2020).</p> <p>Further, there are not expected to be any emissions produced from the proposed development which will affect local water supply. Manufacturing UAN</p>
--	--	---

		is a completely sealed process and does not result in any point-source emissions from the process.
	Dust pollution	<p>Vehicle movements associated with the proposed development are considered to be relatively minor. Most vehicle movements will be associated with the coinciding Transport Depot which will occur on the same site. The Transport Depot was approved by Council, and is a consistent form of development within the Medium Impact Industry Zone (ref: D/45-2020). This Development Permit includes a condition requiring the applicant to surface treat vehicle manoeuvring areas to Council's satisfaction to ensure that there is no significant impact on the amenity to the surrounding area due to the emission of dust or sediment laden water. This will also be assessed as part of a future Operational Works application which is a requirement of that Development Permit. For consistency, Council has also included these conditions as part of this current development application (ref: D/69-2020). Council has also imposed development conditions relating to dust mitigation.</p> <p>The UAN manufacturing process will not carry any risk of dust generation, given that the entire process will be conducted within a fully enclosed manufacturing shed which will be constructed on a concrete pad. There will be no other airborne pollution associated with the manufacturing process, with the Environmental Authority Permit restricting the release of odours and airborne contaminants (condition A1).</p>
	Noise pollution	The proposed chemical manufacturing activity is an Environmentally Relevant Activity (ERA) that the Department of Environment and Science (DES) has assessed for potential impacts on the acoustic environment under the provisions of the <i>Environmental Protection Act 1994</i> . DES has included conditions in the Environmental Authority (EA) Permit which ensure the protection of the acoustic environment.

		<p>The applicant will be required to operate in accordance with the conditions of the EA Permit.</p> <p>Council has also included a condition relating to nuisance monitoring, in the event that Council is in receipt of a genuine complaint of noise nuisance.</p>
	Odour issues	<p>UAN is described as having a slight ammonia smell when in very close proximity of the product. The fully contained design of the mixing process, and bulk storage of the finished UAN product, will ensure that any odour is contained. The entire manufacturing process is fully contained within the industrial building.</p>
	Road-Train and B-Double Access	<p>The western portion of Douglas Street is not designated as a B-Double or Road Train (RT1) route. This restriction commences from the western-most side of Lot 103 on RP604012. B-Doubles or Road Trains accessing the subject site for the proposed development will only be able to do so from the eastern side of Douglas Street. Similarly, Council has also imposed a condition restricting B-Doubles and Road Trains (RT1) to egress to the "right" only, onto Douglas Street. This will restrict vehicles from traversing to the western corridor of Douglas Street.</p> <p>B-Doubles or Road Trains (RT1) traversing through the western portion of Douglas Street, fronting the residential properties is not permitted. The transport route for the proposed development will be to and from the Capricorn Highway, via the Gracemere Overpass onto Somerset Road, onto Macquarie Street and Douglas Street where access is gained into the subject site. Transport (B-Doubles and Road Trains (RT1)) vehicles will not access the western end of Douglas Street.</p>
	Location of site adjoining a Transport Depot	<p>The Ammonium-Nitrate solution (ANSOL) is pumped from an ISO container into the mixing tank, shortly after arrival on-site. There is no storage of ANSOL on-site.</p> <p>The Environmental Authority (EA) also</p>

		<p>requires the applicant to undertake all chemical storage and chemical manufacturing within the enclosed shed and bunded slab (condition G2). This will prevent any contamination to the adjoining Transport Depot.</p> <p>The proposed development does not involve the washing of mixing VATs and other storage containers on-site – eliminating the risk of groundwater contamination. Council has also included a condition which prevents washing of plant equipment and vehicles on-site unless an approved washdown bay is constructed to prevent contamination to the local stormwater system. This condition was also included as part of the concurrent Development Permit for the Transport Depot located on the same site (ref: D/45-2020).</p> <p>The applicant consulted with the adjoining property owner who operates the Transport Depot (Emerald Carrying Company). The adjoining owner was satisfied that the proposed development was low risk. They also provided a properly-made submission, which emphasised their support for the proposed development. Council has also conditioned the applicant to construct a one (1) metre high concrete block wall and bund Emerald Carrying Company side of the wall.</p>
	Clearing trees	The subject site is not mapped as containing vegetation which is of local or state environmental significance. A permit was not required to remove these trees from the site.
	Security of the development	The cases of Beirut, Oklahoma and the World Trade Centre bombings, all involved prilled Ammonium-Nitrate. Prilled Ammonium-Nitrate is in solid form and is designated as a Security Sensitive Product which is used by industry for manufacturing explosives. No prilled Ammonium-Nitrate, or explosives, are used in the production of UAN liquid fertiliser. The proposed development does not involve the storage or handling of prilled

		<p>Ammonium-Nitrate.</p> <p>Further, the site will be fully fenced and compliant with <i>Australian Standard AS1725</i>. Site security will also include video surveillance.</p>
	Commencement of Operational Work on the site	<p>The subject site was also the subject of a correlating Development Application for a Transport Depot (ref: D/45-2020). The application was approved, subject to conditions, on 18 August 2020.</p> <p>The unsealed pavement area, which involved clearing the site, will be used to store trucks and other vehicles associated with the approved Transport Depot. The Development Permit for the Transport Depot (ref: D/45-2020), includes conditions requiring the applicant to obtain further Operational Works permits for access and parking. This is accompanied by additional conditions requiring that all parking areas, including the unsealed pavement area, be designed and constructed in accordance with the <i>Capricorn Municipal Development Guidelines</i> and <i>Australian Standard AS2890 "Parking Facilities"</i>.</p>
	Relationship to the Transport Depot on the subject site	<p>A Transport Depot was recently approved on the subject site (reference: D/45-2020). A Transport Depot is defined as the use of the premises for storing vehicles, or machinery that are used for a commercial or public purpose. The intent is for the Transport Depot use, to operate in conjunction with the proposed development on the subject site.</p> <p>The proposed Transport Depot will primarily use the unsealed pavement area identified on the proposed plan. The shed includes an ancillary office which may be used by staff associated with the Transport Depot (e.g. staff sign-in register, storage of general equipment). The main shed and uncovered slab will accommodate all activities associated with the Special Industry use.</p> <p>As part of Council's information request for the current application (reference:</p>

		D/69-2020), the applicant was asked to clarify whether any fuelling of vehicles associated with the Transport Depot would occur on the site. The applicant's response confirmed that no refuelling of vehicles will occur on the subject site.
	Bushfire Hazard	The subject site is not identified as containing a Bushfire Hazard under the current planning scheme. Sites adjoining, or in close proximity to, the subject site also do not contain any identified bushfire hazard. A Bushfire Hazard Assessment was not required as part of the assessment of the current development application. The closest bushfire hazard identified on the planning scheme maps are approximately four (4) kilometres to the west, and six (6) kilometres to the south of the subject site. Bushfire Hazard is not expected to cause any risk to the proposed development, nor the amenity of surrounding residences as a consequence of the proposed development.
	Effect on property values surrounding the site	Property values are not a planning ground.
	Tourism and revenue stream	The proposed development is not considered to cause any implications on tourism or revenue stream for the Gracemere locality. The subject site is located in the Medium Impact Industry Zone which accommodates a wide range of industrial uses.
Matters prescribed by regulation	(i) The <i>State Planning Policy – Part E</i> ; (ii) The <i>Central Queensland Regional Plan</i> ; (iii) The <i>Rockhampton Region Planning Scheme 2015</i> ; and (iv) The common material, being the material submitted with the application.	

CONCLUSION

The proposed development is not consistent with the intent of the Medium Impact Industry Zone. However, a further assessment was conducted against the Strategic Framework, and the proposed development is considered to be consistent with the strategic intent of the Gracemere Industrial Area. The safety, amenity and well-being of the Gracemere community will not be compromised as a consequence of the development. The chemical manufacturing process has been assessed and approved under the provisions of the *Environmental*

Protection Act 1994 by the Department of Environment and Science (DES) who have issued an Environmental Authority (EA) authorising the carrying out of the development. The proposed development does not involve the storage of prilled Ammonium-Nitrate for the manufacturing of explosives. The proposed development has been appropriately conditioned by both Council and DES (through the EA Permit) which will prevent environmental harm to both the local environment and sensitive land uses in proximity to the site.

**DEVELOPMENT APPLICATION FOR A
MATERIAL CHANGE OF USE FOR
SPECIAL INDUSTRY
(MANUFACTURING LIQUID
FERTILISER (UREA-AMMONIUM
NITRATE)) AND ENVIRONMENTALLY
RELEVANT ACTIVITY 7 - CHEMICAL
MANUFACTURING**

Locality Plan

Meeting Date: 13 October 2020

Attachment No: 1



LOCATION PLAN NOT TO SCALE

ALDRAWING NOTED SCALES RELATE TO A/DRAWINGS

drawing no: **SK-001** project no: **GG-035**



project: **PROPOSED NEW DWELLING**
drawing title: **LOCATION PLAN**
location: **LOT NO. 102 RP604012**

REV	REVISIONS	DATE
1	PRELIMINARY	27/09/2019
2	PRELIMINARY	01/10/2019
3	PRELIMINARY	03/10/2020
4	PRELIMINARY	04/10/2020
5	PRELIMINARY	05/10/2020
6	PRELIMINARY	15/04/2020
7	PRELIMINARY	26/09/2020

PRELIMINARY DESIGN PLANS
of the drawings are not to be used for construction purposes. They are provided for information only and are subject to change without notice. The client is responsible for ensuring that the drawings are used for the intended purpose only. The drawings are not to be used for any other purpose without the written consent of the design + architecture Pty Ltd.



design + architecture
Pty Ltd.
abn: 9016798832
reg no: 4610
www.designplus.com.au
design@designplus.com.au

ISSUED FOR	
PRELIMINARY	
scale: 1 : 5000	rev: 7
date: JUN 20	Author

C:\Users\Public\PROJECTS\GG-035\DRAWINGS\GG-035-3.rvt 16/06/2020 12:44:47 PM

**DEVELOPMENT APPLICATION FOR A
MATERIAL CHANGE OF USE FOR
SPECIAL INDUSTRY
(MANUFACTURING LIQUID
FERTILISER (UREA-AMMONIUM
NITRATE)) AND ENVIRONMENTALLY
RELEVANT ACTIVITY 7 - CHEMICAL
MANUFACTURING**

Site Plan

Meeting Date: 13 October 2020

Attachment No: 2

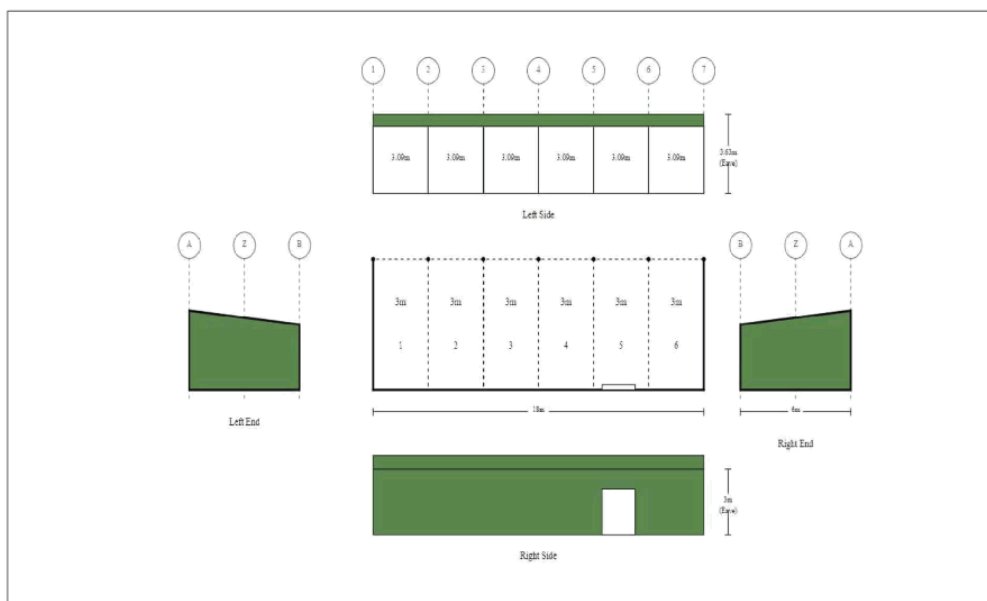
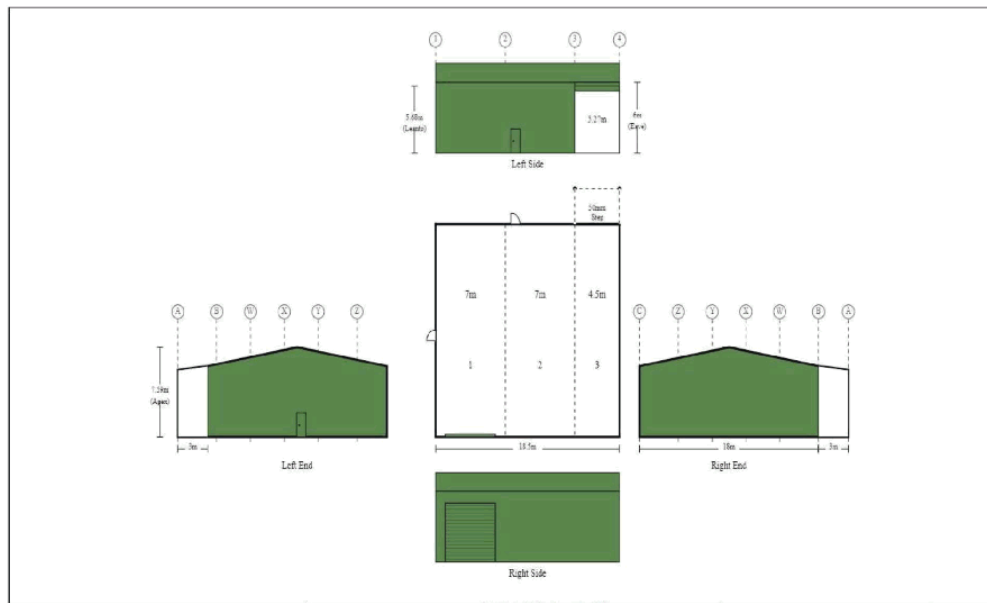


**DEVELOPMENT APPLICATION FOR A
MATERIAL CHANGE OF USE FOR
SPECIAL INDUSTRY
(MANUFACTURING LIQUID
FERTILISER (UREA-AMMONIUM
NITRATE)) AND ENVIRONMENTALLY
RELEVANT ACTIVITY 7 - CHEMICAL
MANUFACTURING**

Floor Plan

Meeting Date: 13 October 2020

Attachment No: 3



SPORTS, PARKS AND PUBLIC SPACES***Councillor Portfolio – Councillor Rutherford***

11.2 REQUEST FOR PERMISSION TO ENTER INTO A FREEHOLD LICENCE WITH NORTH CHARGERS SENIOR RUGBY LEAGUE AND NORTH KNIGHTS JUNIOR RUGBY LEAGUE OVER MCLEOD PARK

File No: 374
Attachments: Nil
Authorising Officer: Aaron Pont - Manager Parks
Author: Justin Bulwinkel - Supervisor - Sports and Administration
Previous Items: 8.5 - Request to enter into a Freehold Licence with North Chargers Senior Rugby League Club at McLeod Park - Parks, Recreation and Sport Committee - 25 Sep 2019 12.30pm

SUMMARY

North Chargers Senior Rugby League and North Knights Junior Rugby League Clubs have experienced rapid growth, resulting in challenges for their existing facility at the Gymmy Grounds, 2 Goodsall Street, Berserker (being Lot 182 LN1332) and require additional land in order to meet the needs of the Club. Providing McLeod Park as a training facility will seek to alleviate these constraints and support scheduling and outwork training programs more effectively.

OFFICER'S RECOMMENDATION

THAT:

1. Council issue two (2) non-exclusive Freehold Licences over McLeod Park (Lot 1 on RP602389) to North Chargers SRL and North Knights JRL for training purposes subject to the special conditions listed in the report but not limited to; and
2. Council authorises the Chief Executive Officer (Supervisor Sports & Administration) to negotiate the terms and conditions of the agreements with both organisations referred in the report in preparation for execution by the delegated officer.

COMMENTARY

Council officers have recently concluded negotiations with both clubs for a short term arrangement for McLeod Park for training purposes.

McLeod Park has value to Council and the community due to its availability, and is often utilised by organisations that have been temporarily relocated as a result of field remediation and/or irrigation works. Both clubs recognise this value and accept a condition of their Freehold License that Council reserves the right to invite other clubs to undertake related activities at McLeod Park when required in consultation with licensees.

It is proposed that both organisations are presented with a 3 year non-exclusive Freehold License under the following special conditions:

1. North Chargers SRL and North Knights JRL share exclusive use of the storage room for the purpose of storing training equipment.
 2. Permitted uses of the facility is training only.
 3. North Chargers SRL and North Knights JRL are to conduct a field condition assessments when the facility has been subject to rain or flooding; any damaged caused during wet conditions will be responsible to the licensee.
-

Under this agreement, McLeod Park will provide support to both clubs while continuing to provide Council the flexibility to temporarily relocate clubs as required. A 3 year licence provides the club an element of certainty with Council concurrently undertaking future planning of sporting fields through the 2020-21 Operational Plan.

BACKGROUND

Consistent with officers previous report 25 September 2019, North Charges SRL continue to share a lease with the Norths Knight JRL at the Gymmy Grounds located at 2 Goodsall Street, Berserker which is State-owned land leased directly to Rockhampton Rugby League Inc. via a Deed of Grant in Trust (DOGIT).

For a number of years both organisations have been in consultation with Council and its officers to try and secure a facility for the immediate or long term needs of approximately 500 members and players.

McLeod Park is not formally leased to any organisation, however it is important to consider the current use of this facility can often be sporadic, at times utilised as a temporary training location for other clubs.

PREVIOUS DECISIONS

This matter was referred to workshop on 27 August 2020.

BUDGET IMPLICATIONS

Nil.

LEGISLATIVE CONTEXT

There are no legislative context in relation to this matter.

LEGAL IMPLICATIONS

There are no legal implications for this matter.

STAFFING IMPLICATIONS

There are no staffing implications for this matter.

RISK ASSESSMENT

No risk assessment was completed nor necessary in relation to this matter

CORPORATE/OPERATIONAL PLAN

1.2.1 - Identify and pursue securing a suitable site for a Multi-Sports Precinct in North Rockhampton.

1.2.5 - Develop Master Plan for the Common

CONCLUSION

Entering into non-exclusive Freehold Licenses with North Chargers Senior Rugby League and North Knights Junior Rugby League will provide access to sufficient training facilities for all grades, while allowing the Club to continually grow.

11.3 ADDITIONAL DOG OFF LEASH AREA OPTIONS**File No:** 787

Attachments:

1. [Supporting Information](#)
2. [Map of Existing Dog Off Leash Areas](#)
3. Letter from resident requesting Cedric Archer Park be a designated dog off leash area

Authorising Officer: Aaron Pont - Acting General Manager Community Services

Author: Jacinta Daniels - Community Master Planner

SUMMARY

This report provides options for the development of additional dog off leash areas within the region.

OFFICER'S RECOMMENDATION

THAT Council endorses the recommended options for additional Dog Off Leash Areas for capital budget consideration in 2021-22.

COMMENTARY

In August 2019, officers presented a report seeking endorsement of a dog off leash area (DOLA) at Ergon Park. At the meeting, it was also resolved that officers explore and present options for additional DOLAs that allow for free run in a more natural environment, similar to the off leash area to be established in Ergon Park.

Furthermore, in May 2020 Council received correspondence from a Gracemere resident seeking that Cedric Archer Park be a designated DOLA.

BACKGROUNDExisting Provision

There are seven (7) DOLAs listed in Schedule 7 of the *Rockhampton Regional Council Subordinate Local Law 2 (Animal Management) 2011*, with the inclusion of the eighth (Ergon Park) in the next Local Law amendment.

Park	Street Address	Suburb	Type
All Blacks Park	Lakes Creek Road	Koongal	Fenced
Duthie Park	Marsh Avenue	Frenchville	Free run
Eddie Baker Park	Currawong Street	Norman Gardens	Fenced
Ergon Park	Richardson Road	Kawana	Free run
No. 7 Dam	Byrnes Parade	Mount Morgan	Free run
Rosel Park	Quay Street	Depot Hill	Free run
Ted Price Park	Breakspear Street	Gracemere	Fenced
Victoria Park	Graeme Acton Way	Wandal	Fenced

Additional DOLAs that are not designated but used as such by the community.

Park	Street Address	Suburb	Type
Georgeson Oval	Pennycuick Street	The Range	Fenced
Kershaw Gardens	Moore's Creek Road	Park Avenue	Fenced

Previously Investigated DOLA Options

In 2015/2016, Council officers from Parks and Local Laws presented reports to the table regarding additional dog off leash areas for consideration. Ultimately, this led to the extension of the DOLA at Eddie Baker Park, however other Parks were also investigated by officers, those being:

- Rigalsford Park (Elphinstone Street, Koongal)
- Jim Lindley Park (O'Donnell Street, Kawana)
- Ski Gardens (Harman Street, Wandal)

Two (2) other parks were also investigated however not recommended by officers:

- Glen Millar Park (Honour Street, Frenchville). Proximity to houses and the area functioning as a large nature corridor.
- Diggers Park (Blackall Street, The Range). Proximity to Rockhampton Botanic Gardens/Zoo and wildlife in Yeppen Lagoon. Additionally, a dog attack occurred here in 2019 resulting from unrestrained dogs.

Summary of Provision and Gaps

Local Government Benchmarking

A review of Councils within Queensland has been undertaken to determine if there is a standard provision for DOLAs. It is apparent that there is no consistent standard of provision with regards to dog off leash areas and Councils are determining the required provision at a local level. The attached table demonstrates the significant differences between authorities, of particular interest are Fraser Coast and Bundaberg Regional Councils, who are most similar to Rockhampton Regional Council (RRC) in terms of population and geographical size.

Dog Registrations

In the 2019/20 registration year, a total of 14,751 dogs were registered within the Region. This number supports the notion that dog ownership is generally high across the Nation, with 2 in 5 households having a dog, and continuing to rise. A breakdown of registrations per suburb have been provided as an attachment.

Existing Gaps

It is evident by comparing dog registrations and existing DOLAs (see attached map), that RRC appears to have an under provision across most suburbs. As a result, options are being presented in order to address some of these existing gaps.

Gaps were identified by lack of provision within a suburb/adjacent suburbs, insufficient provision for number of registrations per suburb or a combination of both.

Recommended Options

High priority:

Dog off leash areas be established at:

- Parkhurst
- The Range/West Rockhampton area
- Park Avenue/Berserker

Additional DOLAs be established at

- Gracemere

Medium priority:

Planning be undertaken for future DOLA provision at

- Kawana/Norman Gardens
- Berserker/Frenchville/Koongal area

Parkhurst - Riverside Drive Park

Large open space located within the Riverside Estate residential development. Land is flood affected (partial inundation at 8m).



Proposal

Large free run DOLA with capital consideration in 2021-22 budget for the provision of drinking water, seating, signage, rubbish bag dispenser, bins and fencing of the play area.

Site Advantages

Existing footpath and internal pathways, limited frontage to residential properties.

Site Disadvantages

No existing embellishments, small unfenced play area would need to be fenced if the DOLA is designated as free run.

The Range/West Rockhampton - Georgeson Oval (Pennycuick Street, The Range)

The fenced (ungated) area of Georgeson Oval is not a designated dog off leash area, however is significantly used by the community as such with high observed utilization.

**Proposal**

Large fenced DOLA established in the next local law amendment. Capital consideration in 2021-22 budget for the provision of entrance gates, drinking water, seating, signage, rubbish bag dispenser, bins. Tree planting to be funded from Parks 2020-21 Operational Budget.

Site Advantages

Significant use by the community, reports from Local Laws that the site is largely self-managing, distance from surrounding properties.

Site Disadvantages

No existing embellishments (exception of fencing), limited tree coverage.

Park Avenue/ Berserker**15-17 Higson Street, Berserker**

Large vacant site located across Moores Creek from Kershaw Gardens, south of the Northside Parks Depot.

**Proposal**

Large free run DOLA with capital consideration in 2021-22 budget for provision of pedestrian footpath and bridge connection to Kershaw Gardens, relocation of existing agility equipment, drinking water, seating, signage, rubbish bag dispenser and bin.

Site Advantages

Large underutilized space, increased use of the area provides inadvertent security of the Northside Parks depot. Fenced dog off leash area recommended to be located towards the end of Bernard Street as much as possible. Existing shade trees. Opportunity to link to Kershaw Gardens and complement existing footpaths.

Site Disadvantages

No current connection to Kershaw Gardens/Charles Street, limited parking, flood affected (partial inundation at 7m). Increased Park maintenance requirements.

Gracemere**Cedric Archer Park**

Highly developed and utilised parkland developed for a variety of uses. Limited open space left to develop. Two potential locations have been identified to ensure protection of wildlife and other users:

- Option 1: Fisher Street
- Option 2: Ian Besch Drive - near the suspension bridge and golf club carpark

**Proposal**

Fisher Street option is preferred due to a larger available site and lessened impact with existing site utilization. Fenced DOLA with capital consideration in 2021-22 budget for provision of fencing, drinking water, seating, signage, rubbish bag dispenser and bin.

Site Advantages

Parking, ancillary facilities and existing embellishments.

Site Disadvantages

Extremely popular park with a range of recreational and sporting uses, limited land left to develop.

Gracemere - Remembrance Park (35 Arthur Street)

Large underutilized open space/easement.

**Proposal**

Large fenced DOLA with embellishments in the northern section of the Park. Capital consideration in 2021-22 budget for provision of fencing, drinking water, seating, signage, rubbish bag dispenser and bin.

Site Advantages

Underutilized land, limited frontage to residential properties if appropriately placed. Fenced dog off leash area recommended due to proximity to James Street properties.

Site Disadvantages

Varied topography, no existing embellishments.

Service Standards

In developing this proposal, Officers developed a proposed service standard outlining the land characteristics and embellishment standards of DOLAs (see attached).

In addition to the service standards, it is important to note that from a Local Laws perspective, fenced dog off leash areas are preferred as this provides clear delineation of where the dog off leash area begins and ends. Further to this, recommendations were made by an external consultant as part of the Animal Management Review in relation to having dog off leash areas fenced and separated into two parts, one for larger dogs, and one for smaller dogs. Similar policies and guidelines with these recommendations have been implemented by other Councils.

PREVIOUS DECISIONS

The below table outlines previous decisions.

Report Title	Date	Responsible Officer	Recommendation	Resolution
Proposed Ergon Park dog off leash area	28 August 2019	Aaron Pont	THAT Parks pursue financial opportunities to construct the dog off leash area at Ergon Park and prepare a submission for 2020-21 budget allocation	THAT Parks establish a Dog Off Leash Area at Ergon Park and for facilities to be provided as budget allows.
Koongal dog off leash area	14 February 2018	Brett Nicholls	THAT Council approve to amend <i>Subordinate Local Law No. 2 (Animal Management) 2011</i> to recognise that part of All Blacks Park, Koongal (access via Lakes Creek Road) be limited to the area designated as a dog off-leash area by signpost as a dog off-leash area.	THAT Council approve to amend Subordinate Local Law No. 2 (Animal Management) 2011 to recognise that part of All Blacks Park, Koongal (access via Lakes Creek Road) be limited to the area designated as a dog off-leash area by signpost as a dog off-leash area.
Proposed dog off leash area in Koongal	19 July 2017	Brett Nicholls	THAT Council approve that the area of All Blacks Park, Koongal outlined in this report be advertised as a future dog off leash area.	THAT Council approve that the area of All Blacks Park, Koongal outlined in this report be advertised as a future dog off leash area.
Dog off leash areas	20 July 2016	Margaret Barrett	THAT Council approve Georgeson Oval, The Range and Eddie Baker Park, Norman Gardens be advertised as future dog off leash areas but limited to the	THAT Council approve Eddie Baker Park, Norman Gardens to be advertised as a future dog off leash area.

			areas designated as a dog off leash area by signpost.	
Dog off leash areas	3 November 2015	Catherine Hayes / Margaret Barrett	THAT Council receives the Dog Off Leash Areas report for their information and review.	THAT Council receives the Dog Off-Leash Areas report for their information and review

Action Sheet	Date	Responsible Officer	Summary	Resolution
Additional dog off leash areas	28 August 2019	Aaron Pont	Councillors are interested in exploring options for additional dog off leash areas that allow for free run in a more natural environment similar to the off leash area to be established in Ergon Park.	THAT a report be brought back to a Parks Recreation and Sport Committee Meeting on options for open space dog off leash areas

BUDGET IMPLICATIONS

Should any of the options be endorsed, the development will be scoped and planned for future financial years as budget permits.

LEGISLATIVE CONTEXT

Local Law 2 (Animal Management) 2011 allows Council, by subordinate local law, to designate an area within a public place as an area where a dog is not required to be on a leash (a dog off leash area).

The full Local Law amendment process must be followed and implemented. That includes:

- A state interest test
- Amendment published in the Local Government Gazette
- Consult with the public for at least 21 days (accept and consider every submission properly made to Council by close of the consultation period)
- By resolution decide whether to proceed with the making of a subordinate local law with or without amendments or not to proceed with made the proposed subordinate local law.

CORPORATE/OPERATIONAL PLAN

1.1.20 - Develop an Open Space Planning Framework that guides the provision and standards of public open spaces.

CONCLUSION

This report presents options for additional dog off leash areas within the Region for consideration in upcoming budgets.

ADDITIONAL DOG OFF LEASH AREA OPTIONS

Supporting Information

Meeting Date: 13 October 2020

Attachment No: 1

LGA Dog off Leash Area Benchmarking

Council	Total dog off leash areas	Fenced dog off leash areas
Bundaberg	5	3
Fraser Coast	28	5
Mackay	6	3
Townsville	21	13
Gladstone	12	2
Livingstone	2**	0
Central Highlands	2	0
Toowoomba	24	5
Moreton Bay	46	15
Cairns	31	11

** Plus all beaches before 8am and after 4pm

Dog Registrations per Suburb

Suburb	Registrations	Suburb	Registrations
Allenstown	402	Alton Downs	120
Bajool	23	Berserker	1299
Bouldercombe	259	Depot Hill	202
Fairy Bower	18	Frenchville	1643
Gogango	2	Gracemere	2959
Kabra	61	Kawana	723
Koongal	794	Lakes Creek	122
Limestone Creek	22	Marmor	24
Midgee	6	Mount Archer	11
Mount Morgan	745	Norman Gardens	1639
Park Avenue	917	Parkhurst	500
Pink Lily	33	Port Curtis	58
Ridgelands	31	Rockhampton City	242
Stanwell	48	The Range	751
Wandal	744	West Rockhampton	330
Westwood	22		

TOTAL: 14,751

Proposed Service Standards for Dog off Leash Areas

Land Characteristics for Dog Off Leash Areas	
Characteristics	Local
Accessibility Standard	Minimum of 1km radius from another dog off leash area. <i>(Additional dog off leash areas may be considered to meet dog population demand)</i>
Minimum Size	0.5ha
Maximum Desired Grade	Average grade of 1:14 for 60% of the park to facilitate wheelchair access to park. Variable topography is satisfactory for the remaining area. No area of the park will have a grade greater than 1:6.
Location	Located in parkland areas connected physically or via appropriate pathway connections to a broader linear open space network and accessible via collector or trunk collector street; and Adequate buffer/setback from residential property boundaries
If unfenced, not located within 100m of:	Parks used for organised sport; Unfenced play spaces, youth spaces, skate parks or other areas that are likely to attract large numbers of adults and children (eg BBQ and picnic facilities); and On land that supports environmental values, wildlife habitat or biodiversity
Embellishment Standards for Dog Off Leash Areas	
Seating**	Minimum of one (1) bench seat near a natural shaded area
Waste disposal**	Minimum of one (1) rubbish bin
Rubbish bag dispenser**	Minimum of one (1) rubbish bag dispenser
Shade**	Suitable tree species to provide natural shade for patrons
Signage**	Regulatory signage
Tap/bubbler**	Minimum of one (1) tap or bubbler suitable for people and dogs
Car Parking**	Sufficient on or off street parking to cater for patrons
Fencing/Gates	Perimeter fencing with one (1) dual gate and one (1) service gate
Agility and play equipment	As required

** Essential criteria

ADDITIONAL DOG OFF LEASH AREA OPTIONS

Map of Existing Dog Off Leash Areas

Meeting Date: 13 October 2020

Attachment No: 2

Existing dog off leash areas

Rockhampton



Note: The size of the marker does not represent the size of the dog off leash area.

Gracemere



Mount Morgan



11.4 MOTORSPORT PRECINCT

File No: 13762

Attachments: 1. Community Engagement Report - August [↓](#)
2. Revised Concept Plan [↓](#)

Authorising Officer: Cameron Wyatt - Coordinator Strategic Planning
Angus Russell - Manager Strategy and Planning
Ross Cheesman - Deputy Chief Executive Officer

Author: Alyce James - Strategic Planner

SUMMARY

The purpose of this report is to provide a summary of the community engagement undertaken in August for the proposed motorsports precinct, and to undertake the next round of community engagement with a revised concept plan.

OFFICER'S RECOMMENDATION

THAT Council:

1. Endorse the Community Engagement Report for public release; and
2. Commence community engagement from 13 October 2020 to 30 October 2020 and publicly release the revised concept plan.

COMMENTARY

Council commenced community engagement in August (3 August – 24 August) for a proposed motorsports precinct. The feedback received from the community and stakeholders was important to understand issues and design consideration to inform the master planning process (concept plan and technical assessments).

The concept plan was published on Council's Facebook Page, Engagement HQ page and shared to multiple online motorsport platforms including Speedcafe and Auto Action. Council's post on Facebook attracted over 1000 shares and 800 comments with over 2,600 people viewing the detailed information about the precinct on the Engagement HQ website.

During the consultation period, Council received a total of 526 submissions (including a petition containing 157 signatures). All issues raised in the submissions including the major design considerations are summarised below:

Main issues against the proposal:

- Planning scheme zoning intent for rural
- Noise (impact upon residents/liveability and wildlife/domestic animals (breeding))
- Dust
- Traffic management (impact of traffic along the Burnett Highway and the local road network)
- Availability of water (impact upon water table)
- Environmental degradation (flora and fauna)
- Devaluing of properties in the area
- Air and water pollution
- Inappropriate size and location (there are better locations for this type of development – Marmor, between Rockhampton and Yeppoon)
- Feasibility of the project.

Design Considerations

- Oval shaped speedway track. The proposed speedway track was based upon the current Rockhampton Showgrounds layout.
- ¼ mile drag track instead of the proposed ⅛ mile drag track. Based on the current design and configuration it is difficult to provide for a ¼ mile drag strip.
- Unique track design
- Inclusion of a burnout pad
- Longer straights for the kart track. The longer straight was based upon feedback from the Rockhampton Kart Club. The circuit provides the opportunity to run all different types of karts.
- The use of the precinct for recreational riders. A lot of interest by recreational riders (both cars and bikes). A petition in support of the precinct was received from the Rockhampton Motorcycle Cruisers Facebook Group with 157 signatures.
- Dirt bike tracking racing

All submissions received have been reviewed and used to guide an updated concept plan as well being considered by the technical assessments (currently underway). The Community Engagement Report (attached) outlines all the matters raised by the community with a response on how Council can address or mitigate the issue/s raised.

The Community Engagement Report will be published on the Engagement HQ website and a formal response will be provided to those submitters who provided contact details. It is important to note that not all submissions contained contact details.

Revised Concept Plan

As a result of community engagement, the following changes have been made to the concept plan:

- Drag strip removed from the circuit and relocated along the frontage of the site. This change will remove the potential degradation (between drag strip and circuit) and cross contamination with the circuit and may allow for the potential expansion of the 1/8 mile drag strip into a ¼ mile drag strip to the land to the north;
- Realignment of the Speedway Circuit to an oval shape (previously based on the Rockhampton Showground dimensions) to allow for longer straights and more passing opportunities;
- Inclusion of a Burnout Pad;
- Inclusion of a commercial area (for example service station);
- Relocate the remote control car track adjacent to the welcome centre. A key aim is to provide all the tourist / day-to-day operations into the one area of the site (Go-Karts, remote control car track, driver training, welcome centre and commercial area);
- Combine Motorcross and Supercross tracks together;
- Adjust the twin mud racing track to allow for a run off and pit area;
- Provide more centralised parking by relocating the BMX track to the southern boundary;
- 4x4 trail combined with general off-road area for mud sports;
- Remove all tracks and camping areas from the creek / biodiversity corridor;
- Extend the camping area along the western boundary; and
- Provide additional trees for shade along viewing banks, buffer to the residents to the north and west of the site and to improved visual amenity.

Community Engagement Round Two

Council officers seek approval to release the revised concept plan to the community for round 2 of public consultation. This round of engagement will be for information only purposes and involves:

- release of the revised concept plan to the community from 13 October 2020 to 30 October 2020; and
- informing all stakeholders (residents, clubs, Government agencies etc.) of the revised concept plan.

Next Steps

The final master plan including the technical assessments will be presented at a Councillor Workshop in November. Following on from the workshop, a decision will need to be made whether to proceed to the lodgement of a Development Application.

PREVIOUS DECISIONS

Council resolved on 23 June 2020 to endorse the Community Engagement Plan for the Motorsports Precinct at 53199 Burnett Highway, Bouldercombe, publicly release the details of the proposed site and commence the master planning process.

BUDGET IMPLICATIONS

The proposed site acquisition is currently funded in Council's capital budget. The cost for master planning and development approval processes are estimated to be \$200,000 with expenditure anticipated to span the 2019/20 and 2020/21 financial years.

Future capital funding will also be required for detail design work, lodgement of the development application and business case development. External grant funding is likely to be required to undertake future work.

LEGISLATIVE CONTEXT

The proposed motorsport precinct will require a development application for a material change of use and reconfiguring a lot under the *Planning Act 2016*, upon completion of the master planning exercise and Council decision whether to proceed.

LEGAL IMPLICATIONS

A conditional contract is being entered into to acquire the subject land. The contract has special conditions that will be required to be met.

STAFFING IMPLICATIONS

Sufficient staff resources exist to ensure the completion of the project's planning phase. It is important to recognise that the motorsport precinct would be a multi-million dollar development, delivered in stages over many years and will require different resources and expertise throughout the project. The development of the motorsport precinct will require resources and time allocated by several business units across Council.

CORPORATE/OPERATIONAL PLAN

The proposed Motorsports Precinct supports the following Operational Plan activities:

2.1.2 Investigate multi-sport usage in singular precinct

2.1.2.1 Consider site options for preferred precinct and scope required works

CONCLUSION

Council has undertaken the first round of community engagement for the proposed motorsport precinct. The Community Engagement Report accurately records the matters raised by the community with a response on how Council can address or mitigate the issues raised. The submissions received have been reviewed and used to guide the updated concept plan. Council can now commence the second round of community engagement with the release of the revised concept plan.

MOTORSPORT PRECINCT

Community Engagement Report – August 2020

Meeting Date: 13 October 2020

Attachment No: 1

Community Engagement Report

MOTORSPORTS PRECINCT

Date of Engagement	3 August 2020 – 24 August 2020 ROUND 1
Method of Engagement	Social Media, Face to Face Meetings and Shopping Centre Stalls



Executive Summary

To create community awareness about the proposed Motorsport precinct to gain acceptance and support for its development, Rockhampton Regional Council released a concept plan seeking the community's input into the design of the precinct.

The overall aim of the community engagement was to communicate the reasons for and benefits of a motorsport precinct and how Council plans to mitigate the negative impacts.

For this engagement, community members were invited to submit feedback, with a total of 526 submissions received which includes a petition containing 157 signatures.

With members of the community and nearby residents submitting feedback it has allowed Council to analyse the comments which will assist in the design of the precinct moving forward.



Consultation overview

The public consultation began in August 2020, opening the plans up for feedback from nearby residents and the wider community. It was important to receive community feedback so that any comments could be considered for future versions of the master plan design.

The concept plan was published on Council's Facebook Page, Engagement HQ page and shared to multiple online motorsport platforms including Speedcafe and Auto Action.

Council's post on Facebook attracted over 1000 shares and 800 comments with over 2,600 people viewing the detailed information about the precinct on the Engagement HQ website.

During the consultation period, Council received a total of 526 submissions. All submissions received have been reviewed and analysed in detail.



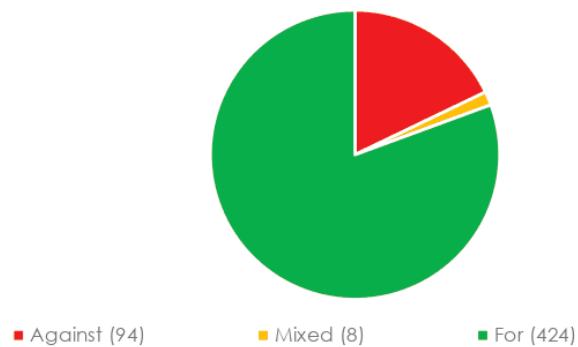
Statistics

The table below represents a breakdown of the submissions received. The submissions have been further broken down into categories.

	Total Submissions	Against	Mixed	For	Overall Precinct	Drag Track	Drift Bikes / Motocross	Motorcycles / Circuit	Circuit	Speedway	Karting	Driver Training	Environmental	Traffic	Zoning	Other
	526*	94	8	424*	214	50	7	28	27	10	10	6	69	42	23	99
Engagement HQ	306	41	7	258	205	48	6	27	25	10	9	6	23	11	2	45
Written Submissions	220*	53	1	166*	9	2	1	1	2	0	1	0	46	31	21	54

* Includes a petition of 157 signatures

Total Submissions (526)



Shopping Centre Review

During the consultation period, there were two pop-up 'Information Booths' at Gracemere Shopping World and Stockland Rockhampton. These were seen positive with majority of the feedback received were from people in support of the proposal.

Location	Summary	Comments
Gracemere Shopping World	<ul style="list-style-type: none"> For: 82 people Against: 1 person Undecided: 5 people 	<ul style="list-style-type: none"> Concerns raised: Noise, dust, cost, traffic and water. Concerned that people may speed down the Burnett Highway (straight section of road) Comments on the design: <ul style="list-style-type: none"> Super cross track should be changed to a motor cross track (pee wee track to be also used for motor cross). Not enough interest in super cross The middle of speedway venue needs to be concreted to allow for burnout pad
Stockland Rockhampton	<ul style="list-style-type: none"> For: 84 people Against: 2 people 	<ul style="list-style-type: none"> Concerns raised: Noise, dust, cost, traffic, water, waste of time, over development and the location being too far out of town. Comments on the design: <ul style="list-style-type: none"> More trees required, particularly to provide shade for spectators (hot climate). Space for drones / model planes etc. (both for recreational and training purposes). Burnout pad – middle of speedway venue. Needs to be ¼ Mile rather than 1/8 mile Recommend adding Yeppoon Motor Club and Rockhampton Motorcycle Cruising to be our current stakeholder contacts for this project.





Image: Picture of the Information Booth at Gracemere Shopping World.



Submission breakdown

All 526 submissions have been summarised with a response on how Council plans to address the comment or issues raised. The comments received will assist in the design of the precinct moving forward.

Submitters Comments	Councils Response
Overall Precinct	
The submitter is in support of the proposed motorsport precinct.	Council acknowledges the passion and enthusiasm for motor sports within our region.
The submitter is against the proposed motorsport precinct.	Council acknowledges the concerns raised over the proposed motorsport precinct. Every effort will be made to ensure the concerns are addressed and any impacts are mitigated.
Drag Track	
Multiple submissions suggesting a ¼ mile track would be more beneficial over the ½ mile track. The longer track would be able to host bigger events.	<p>Council has considered the suggestions made on the drag track and have since changed the design to accommodate a standalone ½ mile track.</p> <p>Design challenges exist where accommodating the ¼ mile track due to the width of the site and maintaining access to the Quarry at the rear of the site.</p> <p>The drag strip has been repositioned to avoid conflicts within the circuit (impact upon circuit track surface) and has allowed for the track to be potentially extended in the future.</p>
The submitter is in support of the 1/8 mile track. The submitter would like to see the Kendra 600 series, Power Cruise or a North Queensland Drag Challenge.	The proposed design accommodates 1/8 mile track, with the potential for future extension. The purpose of the precinct is to accommodate for a range of motor sporting activities and events.



The submitter has suggested the drag track be constructed with the correct materials from the beginning to ensure future upgrades/repairs are not required. The submitter suggests laying concrete from the start to finish line with concrete walls to an international standard.	The drag track will be bordered by concrete walls along both sides and safety fencing for the protection of participants and spectators. The drag strip will be compliant with ANDRA standards for track design and materials.
The submitter has suggested the pit area is sealed as drag cars don't do well with dust or dirt in the track.	The drag paddock includes a sealed paved area for the preparation of Drag or RX Vehicles.
Submissions suggests the combined circuit and drag track may cause issues as the braking area for the circuit begins on the end of a bend which will cause ripples in the track surface creating instability in vehicles using the drag strip as they will be going at their peak speed at this point and crossing this point with the initial brake application here could have adverse effects.	Council has considered the suggestions made on the drag track and have since changed the design to accommodate a standalone 1/8 mile track to avoid conflicts within the circuit (impact upon circuit track surface).
Motorcycles	
The submitter has suggested Council consider the circuit track for motorcycles/sports bikes.	The proposed circuit will be able to accommodate motorcycles/sports bikes.
The submitter has suggested Council consider the circuit track for motorcycles that can host international events like Superbike World Championships.	The proposed circuit will be able to accommodate motorcycles/sports bikes. Attraction of national and international events would be beneficial for the region.
The submitter has suggested Council consider a flat track for dirt motorcycles for children and vintage bikes	Council has considered these comments and as such have incorporated flat dirt tracks into the design.
Circuit	
The submitter has suggested Council consider closer 's' bends for drifting to occur safely	Council have considered these comments and additional bends have been incorporated into the revised design.
The submitter has suggested Council reconsider the Rally X track as it doesn't cross the start/finish line	This has been amended so the track crosses start/finish line.
The submitter has suggested Autocross (dirt course less than 2kms long) would be more beneficial than a Rallyx	There are varying definitions of "Autocross" across the world. In UK, USA, Australia, "Autocross" is a form of time



	<p>trial sprint over a sealed paved course with the emphasis on individual car control. The European definition of "Autocross" adopted by the FIA is competition racing on unsealed tracks in dirt buggies.</p> <p>Adopting the paved sprint course version will be no problem as it could be incorporated with temporary barriers on one of many paved areas within the precinct.</p> <p>Adopting it as a dirt course within the 4x4 trail section may be possible but subject to further consideration of the environmental impacts within the mapped MSES and bushfire buffer zones. There may be certain activities that could be permitted in those zones but it is unlikely to be possible to accommodate a competition style track where spectators / vehicle accidents / fire are more likely.</p> <p>The incorporation of rallycross within the Circuit is a more space efficient way to incorporate a similar competitive racing activity.</p>
The submitter has suggested Council reconsider the pit exit. The pit exit is located on the fast section of the straight. Other tracks have the pit in braking areas (slower section of the track).	The design has been revised to show the pit exit on a slow section of the circuit.
The submitter has suggested the viewing mounds to be fairly high as the pit buildings are in the middle of the track	The viewing banks will be 3-4 metres in height allowing viewing for multiple sections of the track. The pit buildings are proposed to be two storeys in height.
The submitter has suggested the ability to park and view all around the track	The design accommodates for viewing banks around motor sporting activities. Design and safety arise with public vehicle access to viewing areas of the tracks.



The submitter has suggested Council consider run offs and air fences for motorcycles	The revised design of the circuit accommodates for additional run off areas in accordance with industry standards. The project does not seek to accommodate the requirements of competitive motorcycle racing however the design is compatible with measures such as air fencing and run off distances and materials that would be suitable for non-competitive motorcycle activities on the Circuit.
The submitter suggests Council consider a grandstand on the circuit and a connection between the two tracks to make them longer.	The current layout provides for a grandstand along the straight. The length of the current straight is 375 metres which is considered sufficient.
The submitter has concerns the straight on the circuit is not long enough.	The length of the current start/finish straight is 375 metres which is considered sufficient. Additional straights are also available and the design of the track aims to enable carrying of speed through some corners onto straights where appropriate to achieve an appropriate target lap time and averages lap speed.
Speedway	
The submitter suggests Council consider a junior speedway bike track.	The proposed speedway track incorporates a junior track in the centre of the larger track.
The submitter suggests the "track within a track" proposal may not work due to cross contamination of the other tracks who may require a different racing surface. Speedway is more clay based whereas the bikes are more granite based so there could be issues between the clubs.	The speedway area has separate tracks for both cars and bikes, which will be designed in accordance with industry standards. The cross contamination will be managed through the preparation and management during and after race events.
The submitter has questioned if the unmarked box beside the club storage room is a racing control box? Speedway required a control tower/room.	Facilities such as the racing control box and storage will be addressed at the detailed design stage of the project. The current concept plan is a high level representation of the motor sporting activities.



The submitter has raised concerns with the potential dust and dirt from the speedway events, wafting and spreading onto the bitumen track. The dirt on the bitumen track may make the circuit slippery.	The current layout shows speedway and the circuit located approximately 150 metres away, and the motocross tracks around 50 metres from the circuit track. It is envisaged that an Event Management Plan would be prepared to ensure there is no conflict between events, along with regular track inspections, maintenance and cleaning.
The submitter has suggested the Solo track inside car track would not be enjoyable for spectators and would cause more of a noise nuisance.	While it is acknowledged that standalone facilities would ensure all spectators are close to the action, however to ensure that the facility is viable and multi-purposed, the speedway accommodates for both cars and bikes.
The submitter has stated to attract major national categories (sprint cars), the speedway track needs to be more oval in shape and at least 450metres on the pole line, with banked corners (oval track will provide better spectator viewing for faster cars)	The design of the speedway track has been changed into an oval shape to accommodate for longer straights and more passing. The length of the straights has been changed to 40 metres.
The submitter has suggested grandstands to be included in the speedway area along with a bar.	The proposal includes tiered concrete terracing and plastic seating for spectators to view the speedway track. Facilities such as the amenities and bar will be addressed at the detailed design stage of the project. The current concept plan is a high level representation of the motor sporting activities.
The submitter has asked if there proposal incorporates a separate competitor and general parking area as required by the governing body for speedway. Ideally, allowing spectators to view the competitor area/pits would be a huge drawcard.	It is acknowledged that spectators will want to view the competitor area/pits. The design of the proposal accommodates for viewing opportunities of the pits within the precinct.
BMX	
The submitter would like to see detailed plans of the BMX track.	Council are still in the early planning stages and detailed plans have not been completed. It is envisaged this area will include a sealed or stabilised track (using



	bitumen / dirt glue or polymer aggregate coating) for smooth weatherproof hard wearing surface. Track is formed of a raised start ramp, with jumps and obstacle throughout the course. There will be a spectator viewing bank next to the track.
Karting	
The submitter has suggested Council consider more corners.	The longer straight was suggested by the club so the track can accommodate faster karts. There are a number of "cut throughs" which enables the track to be shortened and adds more bends.
Driver Training	
The submitter suggests a circular skidpan has very limited application.	Council understands the costs associated with these types of features. It is anticipated that the driver training area will be a multi-use asphalt area that can be set up with cones when required and can be used for overflow parking. It also allows for the future upgrade to include a skidpan or kick plate if the need arises.
The submitter suggests the kick plate is a feature that has limited benefit and enormous cost.	Council understands the costs associated with these types of features. It is anticipated that the driver training area will be a multi-use asphalt area that can be set up with cones when required and can be used for overflow parking. It also allows for the future upgrade to include a skidpan or kick plate if the need arises.
Need to consider sand traps and watering systems to assist with driving training activities	The proposed driver training area & race track will be equipped with the required training equipment. At the detailed design stage activities associated with and required for driver training will be investigated.
Will need hireable storage space for vehicles and equipment. Participant cars are not insured on private closed tracks, so the insurance ramifications require driver training schools to supply the vehicles.	Storage sheds will be provided around the precinct to allow for permanent storage of vehicles and equipment.



Will there be the provision for a classroom in the 'welcome building' for driver training.	The welcome centre will provide for rooms available for driver training courses. The design of welcome centre will be addressed at the detailed design stage of the project.
Environmental	
Multiple concerns the precinct will cause a noise nuisance.	<p>Council recognises noise as a high priority and sensitive issue at other motorsport venues. The specifics of other venues cannot be compared to the Rockhampton Motorsport Precinct due to the difference in circuit orientation, weather and location of receptors. Council are currently undertaking noise monitoring at neighbouring receptors which will inform the Noise Impact Assessment. The Noise Impact Assessment will form part of the Development Application and determine the level of noise generated by the precinct and the mitigation measures to address noise.</p> <p>Landscaping bunds and buildings within and around the precinct will provide obstructions that help to reduce the noise impact. An onsite noise management plan will be required and implemented, which will include, variation of track session times and days will help in reducing the noise impact and the number of days used could be restricted for high noise sessions (competition events).</p>
The submitter has asked if Council will provide a noise management plan including a noise complaint hotline for local residents.	Council are currently undertaking noise monitoring at neighbouring receptors which will inform the Noise Impact Assessment. The Noise Impact Assessment will form part of the Development Application. Landscaping bunds and buildings within and around the precinct will provide obstructions that help to reduce the noise impact. Variation of track session times and days will help in reducing the noise impact and the



	number of days used could be restricted for high noise sessions (competition events). A noise management plan will be required for the operation of the precinct, including a hotline to ensure issues are addressed.
The submitter has concerns with the cost of the mitigation measures.	The mitigation measures such as landscaped mounds will form part of site preparation works, acting not only to mitigate noise, however accommodate viewing banks for spectators as well as addressing drainage. Additional costs will be incurred with the construction of noise barriers and fencing along the northern boundary of the site.
Submissions received requesting information on how Council will address dust pollution and the mitigation measures.	The dirt tracks have been positioned on the southern side of the precinct close to water stores. It is envisaged the dirt tracks will be regularly graded and wetted for dust suppression. Dust will also be mitigated through vegetation buffers, bunding and fencing. In addition, this precinct will have an onsite dust management plan for construction and operational phases to address dust generated by the project such as: regular watering of exposed surfaces, use of dust suppressants, controls on stockpiled materials, wheel washing, regular maintenance and cleaning of tracks landscaping, and restricting of unauthorised dust generating activities.
Submissions were received with concerns with toxic engine emissions, fumes and tyre smoke pollution.	Reasonable management of emissions to avoid, recycle, minimise or manage pollutants will be addressed on site in accordance with the <i>Environmental Protection Act</i> and the <i>Environmental Protection (Air) Policy</i> .
Concerns were raised with the impacts the proposal would have on the existing wildlife habitat in the area and along the creek line.	The proposal has been designed to ensure the development is sited outside of the Biodiversity overlay area, including Category C Vegetation area. The creek area including existing vegetation will be maintained for a wild life corridor,



	connecting adjoining land to the north and south.
Submissions received with concerns the proposal will utilise ground water as a water source when the current ground water supply is limited.	<p>Access to water is required for the maintenance and running of events within the motorsports precinct. The day to day potable water supply will likely be through on site treatment, with a provision for water being delivered for use at large events.</p> <p>The viability of each option will need to be assessed against the final occupancy numbers and staging plans to establish the most efficient method of supply.</p> <p>In either case minimising the use of potable water will be essential, hence the focus on water reuse for the precinct. Extended reticulated water from Gracemere to service the site is also being investigated.</p> <p>Council is aware that ground water has been raised as an issue in this area, hence the need to investigate water harvesting from the site (drainage and rainwater) and bringing water to the site.</p>
Submissions received with the concerns pollution from petrol, diesel, oil and rubber will end up in the local creeks and streams during periods of rainfall resulting in pollution.	<p>Managing water on site will focus on the removal of silt, hydrocarbons and other pollutants to prevent them being released into the environment outside the site.</p> <p>Dedicated drainage systems will allow for the treatment of water before discharge into the wider site network. This will also allow for the additional containment controls (e.g. blocking of chambers or closing all valves) to prevent a spill from reaching outside of a controlled area.</p>
Traffic	



Submissions were received with traffic concerns, in particular, accessibility to the site, traffic queuing on the Burnett Highway and the significant strain on the Burnett Highway (and other roads in the area) from additional traffic.	The impact of traffic generated on the Burnett Highway and the local road network by the proposal is an important consideration. A Traffic Impact Assessment will be finalised and submitted with a Development Application, once the type, extent and layout of activities onsite has been determined. This assessment will address the number of vehicle movements, the impacts on the Burnett Highway and surrounding road networks and any necessary upgrades that may be required as result of the proposal. Furthermore, the Development Application is required to be referred to the Department of Transport and Main Roads with respect to State Transport infrastructure.
The submitter has concerns the proposal doesn't include enough parking.	The current layout provides for approximately 5,000 parking spaces. For larger events, additional parking areas can be provided when other motor sporting activities are not in operation (e.g. driver training area, pit areas not in use) other areas. There would also be the option to consider a pop up Park and Ride service with the local bus operators.
Other	
The submitter has suggested Council consider an off-road racing short-course.	Off-road racing, even a short course requires sufficient areas. The precinct to accommodate for a range of motor sporting activities unfortunately cannot provide for off-road racing. If some activities do not occur the site can then be investigated for off-road racing.
The submitter has suggested Council consider a 4WD training track.	The proposal incorporates a dirt track in the south-west corner which can be used for 4WD training.
The submitter has suggested Council consider an SXS/UTV track	The proposal incorporates a dirt track in the south-west corner which can be used for SXS/UTV buggies/off road vehicles.



The submitter has suggested Council future proof the site for emerging EV motor sport scene.	The growth in Electronic Vehicle is being considered for the precinct and will be addressed at the detailed design stage including charging stations and the like.
The submitter has suggested Council consider a paved cycle path around the facility and from town to the site to encourage off roadway cycling.	The Rockhampton Region Planning Scheme identifies the Burnett Highway as a key arterial cycling route. The site has the opportunity to allow cyclists to divert off the highway, onto a shared use perimeter path making dual use of any maintenance/service access on the perimeter of the site.
The submitter has suggested Council operate the precinct like Morgan Park.	A range of options are being investigated for the governance and operation of the precinct. The current arrangement of Morgan Park is one option being considered.
The submitter has suggested Council consider local community groups and schools for fundraising.	Council would like to support community groups and schools where possible.
The submitter has concerns with the operating hours.	The operating hours will be in accordance with the management plan of the precinct, which will consider hours of operation in respect to noise / dust /light and other impacts. The management plan will need to comply with the requirements under the <i>Environmental Protection Act</i> and conditions as part of a development application.
The submitter has suggested Council buy the neighbouring properties.	The site is under a conditional contract and due diligence is being undertaken for the current site to determine whether it is appropriate for motor sporting activities and the like. It is not proposed that neighbouring properties will be purchased at this time.
The submitter has suggested Council consider other sites away from residents.	A number of sites were identified as part of a site identification and assessment process (call for Expressions of Interest in November 2019). The site assessment included consideration of a range of factors, including site ownership, highway access, proximity to an urban area,



	useable land area and planning constraints. In addition, a willing seller is also required, prior the site being selected for further investigation and due diligence.
Submissions received suggesting Council consider a large green space / amphitheatre for concerts, static car displays, swap meets and markets.	Council is very supportive of multi purposing the precinct for concerts, car shows, markets, just to name a few. The proposal includes a large area near the circuit that can be utilised for these types of events.
Submissions were received with the concerns the proposal doesn't comply with the intent of the Rural Zone and would degrade the high value productive good quality agricultural land.	<p>Non-rural uses may be appropriate in the Rural Zone where they do not detract from the productivity or residential amenity of rural areas when the use cannot be located in an urban area or needs to be remote from urban uses as a result of their impacts.</p> <p>The process of due diligence including assessing amenity impacts is being investigated. The Agricultural Land Clarification identified under the planning scheme, shows fragmented land throughout the site adjoining the Burnett Highway. While the zone and use of the site for agricultural purposes is consistent with the planning scheme, other specialised land uses (such as motor sporting activities), which are not appropriate for urban areas can occur whereby amenity and other impacts can be addressed.</p>
Submissions received asking if Council have consulted with all motor sporting clubs	Council have met with the clubs and will continue to during this master planning process. The feedback received from the clubs has been positive.
The submitted has suggested Council consider jet boats in the centre of the speedway track.	The identification of a jet boat course within the precinct was considered. The access and cost of water are major concerns and therefore a site has been left off the precinct plan.
The submitter would like to know the company who prepared the concept	The company that prepared the design is Driven International, a UK based firm that



plan and if there was a budget estimate placed on the overall design.	undertakes master planning for motor sporting precinct all over the world. Preliminary cost estimates are being investigated for the precinct including a breakdown for each stage of the precinct and the overall cost. These costs are not yet available.
The submitter would like Council to consider a burnout pad.	A burnout pad has been include on the latest concept plan.
Submissions received with concerns the proposed precinct will devalue nearby properties.	The market value for properties within the area is subjective and it is difficult to determine at this early stage.
The submitter suggests council consider adding supermoto sections to the karting track	Extensions to the karting track can be explored at t'he detailed design stage to incorporate dirt sections for use as a Supermoto loop which are feasibility in the space around the kart track. Please note the RX track could also be used for this purpose.
Submissions received with concerns this proposal will result in budget stress, high rates for ratepayers and wastage of potential for ratepayers.	Funding and cost models are being investigated for the construction and ongoing maintenance of the precinct. This investigation will determine the feasibility of the project and will inform Council's due diligence process as part of the conditional contract to purchase the site.
Submissions were received asking if there will be power and amenities to the camping area.	The infrastructure requirements for precinct including buildings, amenities and camping will be addressed at the detailed design stage of the project. No decision has been made at this early stage in relation to whether the camping areas will be powered or not.
Concerns the proposal will have a detrimental impact on neighbouring livestock.	The impacts generated by the proposal will be addressed through noise impact assessments and onsite management plans. It is recognised that sudden high pitch sounds in particular may cause issues for livestock. The noise generated by the proposal will need to be controlled and monitored on site to ensure that impacts upon livestock are mitigated against.



Concerns the neighbouring owners will be left to upkeep the highway and surrounding properties from litter.	The precinct will have a waste management plan to address waste such as litter generated by the activities undertaking onsite.
The submitter suggests the plan looks crowded and would be difficult for clubs to align their event calendar when tracks are so close together.	It is acknowledged that a range of motor sporting activities have been included in the design of the precinct. The management of the site, including the scheduling of events will form part of the overarching governance of the site. Information has been given to Council in relation to type, size and number of events occurring on an annual bases from existing clubs. It is difficult at this early stage to provide any further advice, however the number of events provided to Council has been accommodated for within an annual calendar of events.



MOTORSPORT PRECINCT

Revised Concept Plan

Meeting Date: 13 October 2020

Attachment No: 2

WASTE AND WASTE TO RESOURCE IMPLEMENTATION**Councillor Portfolio – Councillor Latcham**

No items for consideration

WATER AND SUPPORTING A BETTER ENVIRONMENT**Councillor Portfolio – Councillor Kirkland**

No items for consideration

BUDGET, GOVERNANCE AND OTHER MATTERS

11.5 AMENDMENT TO GOVERNANCE ADMINISTRATION FRAMEWORK POLICY AND PROCEDURE**File No:** 11979

Attachments:

1. Governance Administration Framework Policy [↓](#)
2. Governance Administration Framework Procedure [↓](#)

Authorising Officer: Tracy Sweeney - Executive Manager Workforce and Governance

Author: Allysa Brennan - Coordinator Legal and Governance

SUMMARY

The Governance Administration Framework Policy and Procedure has been amended and is presented for Council's consideration.

OFFICER'S RECOMMENDATION

THAT Council adopt the Governance Administration Framework Policy and the associated Governance Administration Framework Procedure.

COMMENTARY

The attached amended policy and procedure provide a comprehensive governance foundation to ensure consistency in the development, implementation, review, adoption/approval and rescinding of policy documents.

The two main amendments to the policy and procedure are:

1. The inclusion of a process to inform Councillors of policy documents which impact them; and
2. An update to the definition of local law policies.

The policy and procedure scope has also been amended to reflect current practice of excluding regulatory type documents from the Governance Administration Framework Policy as these specialised documents are managed by individual sections who are subject experts in these areas.

Policy Documents Impacting Councillors

Under the Governance Administration Framework Policy there are 6 categories of policies. Management directives are the only policy category that can be approved by the CEO without reference to Council. This approval process also applies to two statutory policies which are legislatively required to be approved by the CEO. These statutory policies and a number of the management directives include Councillors in their scope.

To ensure Councillors remain aware of the policy documents which impact them, after a new policy is created or a major amendment has been approved by the CEO, the CEO will notify Councillors at the next Councillor Information Briefing.

This process has been included in the attached Governance Administration Framework Policy and Procedure.

Local Law Definition

Legal and Governance is undertaking a project to create and review policy documents to compliment and align with the local laws adopted by Council in 2018/19. The project scope has identified the need to refine the current local law policy definition to limit these policies to the administration of local law prescribed activities only, for example the operation of temporary entertainment events, installing a gate, or a gate and grid across a road.

PREVIOUS DECISIONS

The original version of the attached policy and procedure were approved by CEO in 2008. Council approval was not mandatory at that time given the operational nature of the documents.

Version 2 and 6 of the Governance Administration Framework Policy were adopted by Council at the 28 June 2011 and 27 January 2015 meetings. Since that time, five further versions containing amendments have been approved by CEO.

The Governance Administration Framework Policy is categorised as a “management directive” and does not require Council approval, however, Council approval is sought on this occasion to affirm the process of notifying Councillors of the policy documents outlined in this report.

BUDGET IMPLICATIONS

Not applicable.

LEGISLATIVE CONTEXT

Not applicable.

LEGAL IMPLICATIONS

Management directive policies may include Councillors in the scope due to legislative, safety or operational requirements. For example:

1. Legislative - under the *Public Interest Disclosure Act 2010* the CEO must establish procedures to ensure public officers who make public interest disclosures are given appropriate support, a public officer of a public sector entity includes a member or officer of the entity.
2. Safety - under the *Work Health and Safety Act 2011* the CEO is the person conducting a business or undertaking and must ensure the health and safety of employees and Councillors while at work.
3. Operational – under the *Local Government Act 2009* the CEO must manage the local government in a way that promotes effective, efficient and economical management of public resources and is responsible for the safe custody of all records about the proceedings, accounts or transactions of the local government or its committees; and all documents owned or held by the local government.

STAFFING IMPLICATIONS

There will be no impact on staffing numbers or changes to positions.

RISK ASSESSMENT

To ensure Councillors and the CEO fulfill their responsibilities under the *Local Government Act 2009* and comply with all laws that apply to local governments it is recommended the process of notifying Councillors of the policies detailed in this report is formalised in the Governance Administration Framework Policy and Procedure.

CORPORATE/OPERATIONAL PLAN

Not applicable.

CONCLUSION

The attached amended policy and procedure are recommended for adoption by Council.

AMENDMENT TO GOVERNANCE ADMINISTRATION FRAMEWORK POLICY AND PROCEDURE

Governance Administration Framework Policy

Meeting Date: 13 October 2020

GOVERNANCE ADMINISTRATION FRAMEWORK POLICY MANAGEMENT DIRECTIVE



1 Scope

This policy applies to Rockhampton Regional Council policies, procedures, guidelines, whole of Council work instructions, customer forms and associated customer form factsheets.

This policy excludes other related documents, forms created by external agencies; regulatory type documents such as Airport Civil Aviation Safety Authority and Fitzroy River Water dam safety; Council's internal forms, factsheets and work instructions/standard operating procedures.

2 Purpose

The purpose of this policy is to ensure the development, implementation, approval and review process of policy documents and customer forms and associated customer form factsheets are applied in a consistent and coordinated manner.

3 Related Documents

3.1 Primary

Nil

3.2 Secondary

Information Privacy Act 2009

Local Law No. 1 (Administration) 2011

Local Government Act 2009

Local Government Regulation 2012

Customer Form Development Guideline

Customer Form Register

Governance Administration Framework Procedure

Policy Document Register

Templates (policy, procedure, guideline, whole of Council work instruction, customer form, customer form factsheet)

4 Definitions

To assist in interpretation, the following definitions apply:

Business Owner	Includes the following: (a) The CEO; and (b) A position with: (i) A direct reporting line to the CEO; and (ii) At least a corporate band 3.
----------------	---

LEGAL & GOVERNANCE USE ONLY

Adopted/Approved:	<u>Approved, 8 July 2019 DRAFT</u>	Department:	Office of the CEO
Version:	11	Section:	Workforce and Governance
Reviewed Date:		Page No:	Page 1 of 6

	The CEO is the business owner for statutory policies owned by the Office of the CEO.
CEO	Chief Executive Officer A person who holds an appointment under section 194 of the <i>Local Government Act 2009</i> . This includes a person acting in this position.
Council	Rockhampton Regional Council
<u>Councillor/s</u>	<u>The Mayor and Councillors of Council, within the meaning of the <i>Local Government Act 2009</i>.</u>
Customer Forms	Forms completed by a member of the public that are created and used by Council, not including forms created for events funded and administered by Advance Rockhampton or Advance Rockhampton information collection.
Employees	Local government employee: (a) The CEO; or (b) A person holding an appointment under section 196 of the <i>Local Government Act 2009</i> .
Factsheet	Internal factsheets and factsheets not associated with a customer form.
Guidelines	An advisory or explanatory document which provides additional information to support a policy and/or procedure.
Information Privacy Principles	Principals referred to in the <i>Information Privacy Act 2009</i> Schedule 3.
L&G	Legal and Governance
<u>Local Law Prescribed Activity</u>	<u>A local law which deals with a prescribed activity.</u>
Policy	A document which describes Council's position on a particular matter and by which Council and its employees are required to conduct Council activities in a manner consistent with Council's stated values. There are six categories of policies : Councillor Policy : Policies considered to have a direct impact on Councillors only. Statutory Policy : Policies required due to a legislative obligation. Community Policy : Policies considered by the policy owner to have a direct impact on the community. Administrative Policy : Policies that provide direction for internal management of the day to day operations of Council. These policies do not directly impact on the community, however are considered by the policy owner to require Council's consideration and affirmation. Local Law Policy : Policies that <u>provide direction for the administration of a local law prescribed activity. Unlike other policy categories, deal with the administration of a Local Law. A</u> Local Law Policy may contain procedural content. Management Directive : Policies that provide direction for internal management of the day to day operations of Council.
Policy Documents	Includes policy, procedure, guideline and WOC work instruction documents.
Policy/Form Owner	A position with at least a corporate band 3 and reporting to the relevant business owner responsible for the policy document or customer form. Certain duties of the policy/form owner may be performed by a subordinate; however the overall responsibility rests with the policy/form owner.

LEGAL & GOVERNANCE USE ONLY			
Adopted/Approved:	<u>Approved, 8 July 2019 DRAFT</u>	Department:	Office of the CEO
Version:	11	Section:	Workforce and Governance
Reviewed Date:		Page No:	Page 2 of 6

<u>Prescribed Activity</u>	<u>As defined in Local Law No. 1 (Administration) 2011:</u> <u>(a) An activity prescribed in Part 1 of Schedule 2 and defined in Part 2 of Schedule 2 (for example, operation of cemeteries, operation of temporary entertainment events); or</u> <u>(a)(b) An activity for which a Local Government Act authorises the local government to grant an approval but does not make any provision, except provision that is consistent with Part 2 Approvals for prescribed activities, about the process for the local government to grant the approval. For example, carrying out works on a road or interfering with a road or its operation, and, street performing (considered a public place activity which is a prescribed activity within Subordinate Local Law No. 1.14).</u>
Procedures	Provides specific details and process on how to achieve the desired outcomes of the primary policy.
Related Documents	Documents relevant to and referenced within a policy document. All related documents and forms, support the effective implementation of the associated policy document. Whilst related documents may be referenced in the policy document, they are not attached to the document. Related documents are not reviewed or controlled by L&G.
WOC Work Instruction	Whole of Council Work Instruction An internal document which provides instructions on how to complete a specific task which applies to multiple sections. WOC work instructions may not have a primary or related policy document.
Work Instruction/ Standard Operating Procedure	A document which provides instructions on how to complete a specific task relevant to only one section. Work instructions may not have a related policy document. Approval is vested with the general manager.

5 Policy Statement

This framework policy provides a structure and process for the development, review, implementation and approval of policy documents and customer forms and associated customer form factsheets which seek to:

- (a) Ensure consistency with legislation;
- (b) Implement a consistent and comprehensive approach to their development and management whilst ensuring adherence to the Information Privacy Principles;
- (c) Ensure documents are clearly recognisable as Council documents and are effective, easy to understand and user friendly;
- (d) Simplify the creation of documents through clear processes and provision of standard templates;
- (e) Establish a clear relationship between Council and management responsibilities in decision-making and implementation; and
- (f) Ensure access to current versions.

5.1 Development

Policy documents, customer forms and associated customer form factsheets represent an integral part of Council's internal control and compliance environment. Policy documents and customer forms must be:

- (a) Legal and ethical;
- (b) Transparent and comprehensible;
- (c) Rigorous, intelligible, well informed and written in clear concise English;

LEGAL & GOVERNANCE USE ONLY			
Adopted/Approved:	<u>Approved, 8 July 2019 DRAFT</u>	Department:	Office of the CEO
Version:	11	Section:	Workforce and Governance
Reviewed Date:		Page No:	Page 3 of 6

- (d) Measurable and open to change and improvement;
- (e) Outcome focused and necessary;
- (f) Resourced and aligned with the goals and values of Council and its departments;
- (g) Compliant with the Information Privacy Principals;
- (h) Able to be enacted;
- (i) Consistent with Council's templates and writing style guides;
- (j) Current and accurate; and
- (k) Adopted/approved as detailed in paragraph 5.3.

5.1.1 Policy Documents

The policy owner develops effective policy as a suite wherever possible, including procedures, guidelines, WOC works instructions and/or related documents.

Policy owners are responsible for ensuring there are sufficient policy documents to assist Council officers in their operational day-to-day decision-making, as appropriate.

Effective policy must translate the intentions of Council into action and:

- (a) Improve decision making;
- (b) Inform judgments and guide actions;
- (c) Manage risks and entitlements; and
- (d) Strengthen relationships and build capacity.

5.1.2 Customer Forms

Form owners are responsible for ensuring there are sufficient customer forms to capture required information and developing effective, understandable and easy-to-use customer forms.

Additional general information **required** is contained within associated factsheets.

5.2 Review

Policy documents, customer forms and associated customer form factsheets are reviewed in regards to adequacy, relevance and context:

- (a) Following each quadrennial election if deemed necessary by the business owner and/or policy/form owner;
- (b) When a legislative or other operating environmental change occurs affecting the document, for example, a change in Council's position on a particular subject area;
- (c) The related information is amended, replaced or requires updating, for example:
 - (i) Recommendation from a governance body (Internal Audit, Audit and Business Improvement Committee etc.);
 - (ii) Quality assurance due to continuous improvement initiatives;
 - (iii) Change in fees and charges; or
 - (iv) Where organisational structure change results in a different approval authority or other role referenced in a particular document;
- (d) Other circumstances as determined from time to time by the Council, CEO or business owner;
- (e) As mandated in the policy review timelines, for example, statutory requirement for an annual review; and/or
- (f) Notwithstanding the above, at intervals of no more than two years.

LEGAL & GOVERNANCE USE ONLY			
Adopted/Approved:	Approved, 8 July 2019 DRAFT	Department:	Office of the CEO
Version:	11	Section:	Workforce and Governance
Reviewed Date:		Page No:	Page 4 of 6

5.3 Adoption, Approval and Acknowledgement

Documents are to be adopted, approved or acknowledged in accordance with the following table.

Document Category	Type of Review and Approval Authority			
	New or Major Amendment	Minor Amendment (Acknowledgement)	No Change Review (Acknowledgement)	Rescind
Councillor Policy	Council Adoption	CEO	Business Owner	Council Adoption
Statutory Policy	Council Adoption or CEO Approval (as per legislation)	CEO	Business Owner	Council Adoption or CEO Approval (as per legislation)
Community Policy	Council Adoption	CEO	Business Owner	Council Adoption
Administrative Policy	Council Adoption	CEO	Business Owner	Council Adoption
Local Law Policy	Council Adoption	CEO	Business Owner	Council Adoption
Management Directive	CEO Approval	CEO	Business Owner	CEO Approval
Procedure, Guideline or WOC Works Instruction	Business Owner Approval	Business Owner	Business Owner	Business Owner Approval
Customer Form and Associated Customer Form Factsheet	Form Owner (unless prescribed in legislation)			

The above matrix indicates minimum approval levels. Additional approvals are optional.

Documents remain in force unless formally rescinded by the relevant approval authority.

5.3.1 Management Directives and Statutory Policies Applying to Councillors

Management directives and statutory policies may apply to Councillors due to legislative, safety or operational requirements. The CEO will include information in the next CEO's Councillor Information Briefing of new management directives or statutory policies that apply to Councillors or any that have major amendments.

5.4 Implementation

Adopted and approved policy documents and customer forms are implemented by the business owner and policy/form owner in a planned and timely manner to ensure responsibilities across Council are communicated effectively and understood by relevant stakeholders.

5.5 Access

Registers of approved/adopted and draft policy documents and customer forms and associated customer form factsheets are maintained by L&G and are available for viewing on the Hub.

All current policy documents and customer forms are available on the Hub, and where relevant, on

LEGAL & GOVERNANCE USE ONLY			
Adopted/Approved:	<u>Approved, 8 July 2019 DRAFT</u>	Department:	Office of the CEO
Version:	11	Section:	Workforce and Governance
Reviewed Date:		Page No:	Page 5 of 6

Council's website.

6 Review Timelines

This policy is reviewed when any of the following occur:

- (a) The related information is amended or replaced; or
- (b) Other circumstances as determined from time to time by the CEO.

7 Document Management

Sponsor	Chief Executive Officer
Business Owner	<u>Executive</u> Manager Workforce and Governance
Policy Owner	<u>Executive</u> Manager Workforce and Governance
Policy Quality Control	Legal and Governance

OUR VALUES



LEGAL & GOVERNANCE USE ONLY

Adopted/Approved:	<u>Approved, 8 July 2019</u> <u>DRAFT</u>	Department:	Office of the CEO
Version:	11	Section:	Workforce and Governance
Reviewed Date:		Page No:	Page 6 of 6

AMENDMENT TO GOVERNANCE ADMINISTRATION FRAMEWORK POLICY AND PROCEDURE

Governance Administration Framework Procedure

Meeting Date: 13 October 2020

Attachment No: 2

GOVERNANCE ADMINISTRATION FRAMEWORK PROCEDURE



1 Scope

This procedure applies to Rockhampton Regional Council's policies, procedures, guidelines, whole of Council work instructions, customer forms and associated customer form factsheets.

This procedure excludes other related documents, forms created by external agencies: regulatory type documents such as Airport Civil Aviation Safety Authority and Fitzroy River Water dam safety, Council's internal forms, factsheets and works instructions/standard operating procedures.

2 Purpose

The purpose of this procedure is to ensure the development, implementation, approval and review process of policy documents and customer forms and associated customer form factsheets are applied in a consistent and coordinated manner.

3 Related Documents

3.1 Primary

Governance Administration Framework Policy

3.2 Secondary

Information Privacy Act 2009

Local Law No. 1 (Administration) 2011

Community Engagement Policy

Council Standard Definitions for use in Policy Documents

Creating Privacy Collection Notices Guideline

Customer Form Development Guideline

Customer Form Factsheet

Customer Form Register

Plain Language Style Guide

Policy Document Checklist and Authorisation Form

Policy Document Factsheet

Policy Document Register

Privacy Policy

Templates (policy, procedure, guideline, whole of Council work instruction, customer form, customer form factsheet)

LEGAL & GOVERNANCE USE ONLY

Adopted/Approved:	<u>Approved, 8 July 2019 DRAFT</u>	Department:	Office of the CEO
Version:	9	Section:	Workforce and Governance
Reviewed Date:		Page No:	Page 1 of 7

4 Definitions

To assist in interpretation, the following definitions apply:

Business Owner	Includes the following: (a) The CEO; and (b) A position with: (i) A direct reporting line to the CEO; and (ii) At least a corporate band 3. The CEO is the business owner for statutory policies owned by the Office of the CEO.
CEO	Chief Executive Officer A person who holds an appointment under section 194 of the <i>Local Government Act 2009</i> . This includes a person acting in this position.
Council	Rockhampton Regional Council
<u>Councillor/s</u>	<u>The Mayor and Councillors of Council, within the meaning of the <i>Local Government Act 2009</i>.</u>
Customer Forms	Forms completed by a member of the public that are created and used by Council, not including forms created for events funded and administered by Advance Rockhampton or Advance Rockhampton information collection.
Document	Includes policy documents and customer forms.
ECM	Enterprise Content Management. Council's corporate recordkeeping system.
Employees	Local government employee: (a) The CEO; or (b) A person holding an appointment under section 196 of the <i>Local Government Act 2009</i> .
Factsheet	Internal factsheets and factsheets not associated with a customer form.
Guidelines	An advisory or explanatory document which provides additional information to support a policy and/or procedure.
Information Privacy Principles	Principals referred to in the <i>Information Privacy Act 2009</i> Schedule 3.
L&G	Legal and Governance unit
Leadership Team	CEO, Deputy Chief Executive Officer and , general managers, <u>executive managers, Manager Office of the Mayor and Manager Strategy and Planning.</u>
<u>Local Law Prescribed Activity</u>	<u>A local law which deals with a Prescribed Activity.</u>
Policy	A document which describes Council's position on a particular matter and by which Council and its employees are required to conduct Council activities in a manner consistent with Council's stated values. There are six categories of policies : Councillor Policy : Policies considered to have a direct impact on Councillors only. Statutory Policy : Policies required due to a legislative obligation. Community Policy : Policies considered by the policy owner to have a direct impact on the community.

LEGAL & GOVERNANCE USE ONLY			
Adopted/Approved:	<u>Approved, 8 July 2019 DRAFT</u>	Department:	Office of the CEO
Version:	9	Section:	Workforce and Governance
Reviewed Date:		Page No:	Page 2 of 7

	<p>Administrative Policy: Policies that provide direction for internal management of the day to day operations of the Council. These policies do not directly impact on the community, however are considered by the policy owner to require Council's consideration and affirmation.</p> <p>Local Law Policy: Policies that <u>provide direction for the administration of a Local Law Prescribed Activity. Unlike other policy categories, deal with the administration of a Local Law.</u> a Local Law Policy may contain procedural content.</p> <p>Management Directive: Policies that provide direction for internal management of the day to day operations of the Council.</p>
Policy Documents	Includes policy, procedure, guideline and WOC work instruction documents.
Policy/Form Owner	A position with at least a corporate band 3 and reporting to the relevant business owner responsible for the policy document or customer form. Certain duties of the policy/form owner may be performed by a subordinate; however the overall responsibility rests with the policy/form owner.
<u>Prescribed Activity</u>	<p><u>As defined in Local Law No. 1 (Administration) 2011:</u></p> <p><u>(a) An activity prescribed in Part 1 of Schedule 2 and defined in Part 2 of Schedule 2 (for example, operation of cemeteries, operation of temporary entertainment events); or</u></p> <p><u>(b) An activity for which a Local Government Act authorises the local government to grant an approval but does not make any provision, except provision that is consistent with Part 2 Approvals for prescribed activities, about the process for the local government to grant the approval. For example, carrying out works on a road or interfering with a road or its operation, and, street performing (considered a public place activity which is a prescribed activity within Subordinate Local Law No. 1.14).</u></p>
Procedures	Provides specific details on how to achieve the desired outcomes of the primary policy.
Related Documents	Documents relevant to and referenced within a policy document. All related documents and forms, support the effective implementation of the associated policy document. Whilst related documents may be referenced in the policy document they are not attached to the document. Related documents are not reviewed or controlled by L&G.
WOC Work Instruction	<p>Whole of Council Work Instruction</p> <p>An internal document which provides instructions on how to complete a specific task which applies to multiple sections. WOC work instructions may not have a primary or related policy document.</p>
Work Instruction/ Standard Operating Procedure	A document which provides instructions on how to complete a specific task relevant to only one section. Work instructions may not have a related policy document. Approval is vested with the general manager.

5 Procedure

5.1 Creating Documents

If a new policy document, customer form or associated customer form factsheet is being created, the policy/form owner:

- (a) Undertakes necessary research and analysis;

LEGAL & GOVERNANCE USE ONLY			
Adopted/Approved:	<u>Approved, 8 July 2019 DRAFT</u>	Department:	Office of the CEO
Version:	9	Section:	Workforce and Governance
Reviewed Date:		Page No:	Page 3 of 7

- (b) Liaises with the business owner to gain interim approval prior to commencing drafting and consultation;
- (c) If a policy document, if necessary, liaises with the Right to Information Officer to ensure compliance to privacy principles;
- (d) If a customer form, considers a logical form structure and only contains questions that are required;
- (e) Considers compliance requirements, impacts, risks and implementation methods;
- (f) Consults with stakeholders affected and those responsible for its implementation;
- (g) Drafts the document using the templates and related documents available on the Hub;
- (h) For community policies, considers, in consultation with the Business Owner if community engagement is required in accordance with the Community Engagement Policy;
- (i) Considers consultation and review with the Leadership Team prior to submitting to L&G; and
- (j) Ensures the draft document is submitted to L&G as per paragraph 5.3.

5.2 Reviewing Documents

Policy/form owners should continually consider whether documents require reviewing and amending, ensuring the document:

- (a) Reflects current Council strategic direction;
- (b) Uses current terminology;
- (c) Is up-to-date (legislation references, titles as per structure, etc);
- (d) Aligns with related policy documents and other related documents; and
- (e) Is compliant with legislation.

L&G notifies policy owners through the Quarterly Workforce and Governance Report of policy documents:

- (a) Due for review at least six months prior to the review date; and
- (b) Overdue documents that have not been reviewed.

The Policy and Customer Form Registers are available on the Hub.

5.2.1 Policy Documents

When reviewing a policy document, the policy owner completes the following steps:

- (a) Contacts L&G to obtain the current word version;
- (b) Undertakes research and analysis to inform the reviewing process (refer to the Policy Document Checklist and Authorisation Form for guidance);
- (c) Determines if the policy document reflects Council's current strategic direction and with stakeholder and management consultation, consider if the policy document can be rescinded;
- (d) Where necessary, liaises with the Right to Information Officer to ensure compliance with privacy principles;
- (e) Establishes type of review:
 - (i) **Major Amendment** – a significant change impacting the intent of the document and/or other policy documents.
 - (ii) **Minor Amendment** – a change of an insubstantial nature not affecting the meaning or intent of the document (for example, changes to position titles due to restructure or legislation titles).

LEGAL & GOVERNANCE USE ONLY			
Adopted/Approved:	<u>Approved, 8 July 2019 DRAFT</u>	Department:	Office of the CEO
Version:	9	Section:	Workforce and Governance
Reviewed Date:		Page No:	Page 4 of 7

- (iii) **No Change Review** – no changes required.
- (iv) **Rescind** – the document is no longer required.
- (f) Considers impacts of proposed major amendments on systems and operations and, where applicable, consults with stakeholders affected and those responsible for its implementation;
- (g) For community policies, considers, in consultation with the Business Owner if community engagement is required;
- (h) Considers consultation and review with the Leadership Team;
- (i) Develops an implementation plan, as necessary; and
- (j) Ensures the draft document is submitted to L&G in the template available on the Hub showing track changes in accordance with paragraph 5.3.

5.2.2 Customer Forms and Associated Customer Form Factsheets

When reviewing a customer form or associated customer form factsheet, the form owner completes the following steps:

- (a) Contacts L&G to obtain the current word version;
- (b) Undertakes research and analysis to inform the reviewing process;
- (c) Determines if the customer form and associated customer form factsheet reflects Council's current strategic direction and with stakeholder and management consultation, considers whether the form and associated customer form factsheet is required;
- (d) Establishes type of review as detailed below:
 - (i) **Amendment** – either minor or major change to the content, appearance or processing of the form and/or other related documents;
 - (ii) **No Change Review** – no changes required; or
 - (iii) **Rescind** – the document is no longer required.
- (e) Considers impacts of proposed amendments on systems and operations and, where applicable, consults with stakeholders affected and those responsible for its implementation;
- (f) Considers consultation and review with applicable stakeholders;
- (g) Develops an implementation plan as necessary; and
- (h) Ensures the draft document is submitted to L&G in the template available on the Hub showing track changes in accordance with paragraph 5.3.

5.3 Submitting to L&G

All policy documents and customer forms and associated customer form factsheets must be submitted to L&G (LegalandGov@rrc.qld.gov.au), allowing 10 working days for review. Draft documents should be in the current template and showing track changes.

If a policy document has been reviewed, a completed Policy Document Checklist and Authorisation Form should be submitted to L&G.

L&G reviews and amends, as necessary, in consultation with the policy/form owner. If a customer form, L&G liaises with the Right to Information Officer to ensure compliance with privacy principles (where necessary).

Documents being presented to Council must be submitted and reviewed by L&G and endorsed by the CEO prior to being included in a Council meeting agenda ~~or seeking approval~~.

LEGAL & GOVERNANCE USE ONLY			
Adopted/Approved:	Approved, 8 July 2019 DRAFT	Department:	Office of the CEO
Version:	9	Section:	Workforce and Governance
Reviewed Date:		Page No:	Page 5 of 7

5.4 Adoption, Approval, Acknowledgment and Rescindment Process

L&G coordinates all adoption, approval and acknowledgement processes for policy documents and customer forms and associated customer form factsheets. Approval authority levels must be in accordance with paragraph 5.3 of the Governance Administration Framework Policy. Where possible, policy documents are processed as a suite at the highest applicable level of approval (ie if presenting an administrative policy, both the policy and procedure should be presented to the Council meeting).

5.4.1 Policy Documents

For policy documents requiring Council adoption L&G forwards the final draft/s or for a rescindment the current version/s to the policy owner for inclusion in the relevant Council meeting agenda. Once adopted the policy owner forwards the Council action sheet (resolution) to L&G to finalise.

5.5 Implementation

5.5.1 Policy Documents

Once approved, L&G undertakes the following for the implementation of the policy document:

- (a) Amends the policy document footer with the:
 - (i) Adopted or approved date and version number (for new or major amendments); or
 - (ii) Date reviewed (for minor amendments or no change reviews);
- (b) Updates the Policy Document Register;
- (c) Registers the word format documents in ECM;
- (d) Publishes the PDF format documents on the Hub and, for councillor, statutory, community, administrative and local law policies and other policy documents deemed relevant by the policy owner, on Council's website;
- (e) Sends email notification to the policy owner;
- (f) For new or major amendments of management directives or statutory policy applying to Councillors, notify the CEO to include information of the amendment in the next CEO's Councillor Information Briefing Report; and
- (g) Advises the Internal Communications Officer of approved documents for inclusion in the E-Bulletin.

Once approved, the business owner/policy owner ensures the intent of the policy document is put into action in accordance with their implementation plan.

The implementation plan should facilitate policy document implementation and compliance by:

- (a) Assigning responsibility to individuals for implementation tasks and feedback;
- (b) Specifying policy document communication requirements; and
- (c) Identifying the resources necessary to carry out implementation actions.

Potential implementation tasks may consist of but are not limited to the following:

- (a) Briefings or training for employees affected by the policy document;
- (b) Employee workshops to introduce the new or amended policy document in practical terms; and/or
- (c) Incorporation of relevant information into induction programs and future training.

5.5.2 Customer Forms and Associated Customer Form Factsheets

Once approved, L&G undertakes the following for the implementation of the customer form:

- (a) Amends the footer with the approved date and version number;

LEGAL & GOVERNANCE USE ONLY			
Adopted/Approved:	<u>Approved, 8 July 2019 DRAFT</u>	Department:	Office of the CEO
Version:	9	Section:	Workforce and Governance
Reviewed Date:		Page No:	Page 6 of 7

- (b) Creates a fillable PDF version of the customer form and attach the associated customer form factsheet;
- (c) Publishes the customer form on the public website and the Hub (customer forms are placed in both locations unless advised otherwise by the form owner);
- (d) Sends email notification to the form owner;
- (e) Updates the Customer Form Register on the Hub; and
- (f) Registers the word format document in ECM.

If the form owner requires the factsheet to appear on its own on different pages within the public website, the form owner must contact L&G to publish. L&G ensures the Customer Form Register is updated to reflect additional website locations for factsheets.

Customer forms that are required to appear in multiple pages (including Customer Forms) on the public website must be used from the L&G Forms Folder under Files in Seamless Open Cities.

The form owner is responsible for briefing and/or training employees affected by the new or amended form, including Customer Service.

6 Review Timelines

This procedure is reviewed when any of the following occur:

- (a) The related information is amended or replaced; or
- (b) Other circumstances as determined from time to time by the [Executive](#) Manager Workforce and Governance.

7 Document Management

Sponsor	Chief Executive Officer
Business Owner	Executive Manager Workforce and Governance
Policy Owner	Executive Manager Workforce and Governance
Policy Quality Control	Legal and Governance



LEGAL & GOVERNANCE USE ONLY			
Adopted/Approved:	Approved, 8 July 2019 DRAFT	Department:	Office of the CEO
Version:	9	Section:	Workforce and Governance
Reviewed Date:		Page No:	Page 7 of 7

11.6 COUNCIL MEETING PROCEDURES POLICY**File No:** 11979**Attachments:**

1. **Final Draft Meeting Procedures Policy**[↓](#)
2. **Delegation Register - Local Government Regulation 2012**[↓](#)

Authorising Officer: Evan Pardon - Chief Executive Officer**Author:** Ross Cheesman - Deputy Chief Executive Officer

SUMMARY

Due to recent legislative amendments, changes have been made to the 'Council Meeting Procedures Policy' and Council's 'Delegation Register - Local Government Regulation 2012'. These changes have been included in the policy and delegation register and follow the Local Government Act 2009 and the Local Government Regulation 2012 requirements.

OFFICER'S RECOMMENDATION

THAT:

1. The Council Meeting Procedures Policy be adopted.
2. Council resolves as per section 257 of the *Local Government Act 2009*, to delegate to the Chief Executive Officer, the exercise of power contained in schedule 1 of Attachment 2 of the report – *Local Government Regulation 2012*;
3. This power must be exercised subject to any limitations contained in schedule 2 of Attachment 2 of the report – *Local Government Regulation 2012*.

COMMENTARY

Recent legislative amendments have necessitated changes being made to the Council Meeting Procedures Policy and Council's *Delegation Register - Local Government Regulation 2012*. These changes have been included in the attached policy and delegation register and follow the Local Government Act 2009 (LGA) and the Local Government Regulation 2012 (LGR) requirements. Training delivered by the Department of Local Government, Racing and Multicultural Affairs (DLGRMA) recently covered these changes. In addition DLGRMA has also recently released a model set of meeting procedures which has guided changes to this policy.

BACKGROUND

The LGA and LGR changes were assented to on the 30 June and have an effect date of 12 October 2020. A draft updated Council Meeting Procedures Policy has been attached for consideration. Ordinarily a marked up version of a former policy is attached however in this case the changes have been significant and a marked up version is difficult to analyse hence only a clean version has been attached.

Apart from the Closed Meetings, Conflict of Interest changes and the Minute Taking changes the other changes to this policy relates to decisions being inconsistent with a recommendation or advice by an officer (s6.5) and teleconferencing (s8.8).

With regards to teleconferencing, on 10 December 2019 Council delegated the power in under section 276 of the *Local Government Regulation 2012* to allow a person to take part in a meeting by teleconferencing and approve the teleconferencing arrangement to the CEO. Due to the changes to the *Local Government Regulation 2012* this section of the regulation has been removed and replaced by section 254K. Subsequently, the removal and the addition of these powers are outlined in the attached extract of the Delegation Register for the *Local Government Regulation 2012* for Council's consideration.

For Councillor's convenience, the changes are highlighted in attachment 2 as follows:

- a) strike through for the removal of current wording; and
- b) red font for the new wording and power.

PREVIOUS DECISIONS

Nil

BUDGET IMPLICATIONS

Nil

LEGISLATIVE CONTEXT

The legislative changes took effect on 12 October 2020.

Important legal principles which apply to the delegation proposal set out in this report are:

- Council at all times retains power to revoke the delegation. Accordingly, Council retains ultimate control.
- Council, as delegator, has responsibility to ensure that the relevant power is properly exercised. Council will therefore continue to supervise and oversee the exercise of its powers.
- A delegation of power by Council may be subject to any lawful conditions which Council wishes to impose. The imposition of conditions enables Council to impose checks and balances on its delegations, however, the delegated power cannot be unduly fettered.
- The delegate must exercise a delegated power fairly and impartially, without being influenced by or being subject to the discretion of other individuals.

LEGAL IMPLICATIONS

The changes depicted in the LGA and LGR have various implications mostly around discipline measures if not adhered to.

STAFFING IMPLICATIONS

Nil

RISK ASSESSMENT

Without powers being delegated to the CEO and subsequently sub-delegated to relevant positions, Council operations would be impeded significantly as separate resolutions would be required to allow decisions to be made for a vast number of operational activities that are undertaken on a daily basis.

CORPORATE/OPERATIONAL PLAN

Nil

CONCLUSION

In conclusion the attached draft Council Meeting Procedures Policy and the attached Delegation Register – *Local Government Regulation 2012* have been updated to reflect the recent changes to the LGA and LGR which became effective on 12 October 2020. The changes made follow the legislation and the model meeting procedures provided by the DLGMRA.

COUNCIL MEETING PROCEDURES POLICY

Final Draft Meeting Procedures Policy

Meeting Date: 13 October 2020

Attachment No: 1

COUNCIL MEETING PROCEDURES POLICY

STATUTORY POLICY



1 Scope

This policy applies to Councillors and employees during ordinary meetings and committees of Rockhampton Regional Council. This policy does not apply to meetings of Council's audit committee.

2 Purpose

The purpose of this policy is to provide direction for the orderly and proper conduct of ordinary and committee meetings, including the post-election meeting.

3 Related Documents

3.1 Primary

Nil

3.2 Secondary

Acquisition of Land Act 1967

Information Privacy Act 2009

Local Government Act 2009

Local Government Regulation 2012

Local Law No. 1 (Administration) 2011

Public Records Act 2002

Code of Conduct for Councillors in Queensland (Department of Local Government, Racing and Multicultural Affairs)

Councillor Conduct Register

Councillor Investigation Policy

Councillor Portfolio Policy

Deputation Factsheet

Deputation Guidelines

Model Meeting Procedures (Department of Local Government, Racing and Multicultural Affairs)

Petition Factsheet

Petition Template

4 Definitions

To assist in interpretation, the following definitions apply:

Act	<i>Local Government Act 2009</i>
-----	----------------------------------

LEGAL & GOVERNANCE USE ONLY			
Adopted/Approved:	DRAFT	Department:	Office of the CEO
Version:	9	Section:	Office of the CEO
Reviewed Date:		Page No:	Page 1 of 22

Agenda	<p>Compilation of reports to be discussed at an ordinary or committee meeting. The agenda for any meeting must indicate:</p> <p>(a) Business to be conducted at the meeting;</p> <p>(b) Business arising from previous meetings; and</p> <p>(c) Any business for which due notice has been given (Notice of Motion, Questions on Notice).</p> <p>An agenda will not include any matter that is unlawful.</p>
Alternative/ Foreshadowed Motion	A proposed suggestion, usually raised during debate, that there is an alternative proposal should the original motion be lost. Once moved, the same rules of debate as the original motion apply.
Amendment	<p>In relation to a motion, a motion moving an amendment to that motion. An amendment to a motion must retain the identity of the original motion and does not directly negative the motion.</p> <p>Amendment to a motion must be proposed before the debate has been concluded, before the mover of the motion has exercised their right to reply and follows the same rules of debate as the original motion.</p>
Behavioural Standard	The standard of behaviour for Councillors set out in the Code of Conduct for Councillors in Queensland approved under section 150E of the Act.
CEO	<p>Chief Executive Officer</p> <p>A person who holds an appointment under section 194 of the Act. This includes a person acting in this position.</p>
Chairperson	Person presiding at an ordinary or committee meeting.
Committee	A group of Councillors created by a resolution of the Council to undertake functions as determined under the Act or Regulation decided by a Council resolution. A committee may either be a delegated or non-delegated committee.
Council	Rockhampton Regional Council
Councillor	The Mayor and/or Councillors of Council, within the meaning of the Act.
Day	A business day unless specified.
Delegated Committee	A committee that has the authorisation from the Council to make a decision and therefore a resolution of the Council.
Deputation	A presentation from a member of the public (which could be on behalf of an organisation or individual) to an ordinary or committee meeting.
Employee	<p>Local government employee:</p> <p>(a) The CEO; or</p> <p>(b) A person holding an appointment under section 196 of the Act.</p>
General Manager	Deputy Chief Executive Officer, general managers and executive managers.
Mayor	The Mayor is an elected member of Council, also referred to as a Councillor, with additional responsibilities as outlined in section 12(4) of the Act.
Meeting	Ordinary meeting or committee meeting at Council.
Motion	A proposal to be considered by Council at a meeting. It is a request to do something or to express an opinion about something. A motion formally puts the subject of the motion as an item of business for the Council.

LEGAL & GOVERNANCE USE ONLY			
Adopted/Approved:	DRAFT	Department:	Office of the CEO
Version:	9	Section:	Office of the CEO
Reviewed Date:		Page No:	Page 2 of 22

Non-Delegated Committee	A committee that does not have authorisation from the Council to make a decision and therefore must recommend all motions to the next ordinary meeting for endorsement. Non-delegated committees have the delegation to resolve acceptance of minutes of previous meetings of that committee and to resolve procedural motions.
Petition	A request for action on a matter over which Council has the power to act. The "terms" of a petition consist of the reasons for petitioning Council and a request for action by Council.
Procedural Motion	A set of motions that can be employed in specific ways to control the conduct of meetings.
Portfolio Councillor	A Councillor who has been allocated responsibility of a portfolio.
Record	A document (including any written or printed material) or object (including a sound recording, coded storage device, magnetic tape or disc, microfilm, photograph, film, map, plan or model or a painting or other pictorial or graphic work) that is or has been made or received in the course of official duties by a Councillor or an employee and, in particular, includes the minutes of meetings of the Council.
Region	Rockhampton Regional Area defined by the Local Government Areas of Queensland.
Regulation	<i>Local Government Regulation 2012</i>
Report	Documents and information that relate to the business to be dealt with at the meeting. Reports may include personal information only to extent such is necessary to reflect the issue to be discussed without rendering the report meaningless, subject to Council's obligations under the <i>Information Privacy Act 2009</i> .
Resolution	A motion that has been passed by a majority of Councillors at the meeting. While in practice it means the "Council decision", the word "resolution" also indicates the process by which the decision was made.
Seriatim	When a motion consists of more than one statement, action or concept a Councillor may request for each statement, action or concept to be voted on separately.
Unsuitable Meeting Conduct	As defined in the Act, the conduct of a Councillor is unsuitable meeting conduct if the conduct: (a) Happens during a local government meeting; and (b) Contravenes a behavioural standard.

5 Policy Statement

The Act and the Regulation provide core requirements for the conduct of ordinary meetings and committees of Council.

Council is committed to conducting its meetings in accordance with the principles of the Act, ensuring an efficient, accountable, transparent and sustainable delivery of effective services within our Region.

5.1 Special Meeting

The CEO must call a special meeting of the Council if:

- (a) The special meeting is required by resolution;
- (b) A written request for the special meeting is lodged with the CEO signed by the Mayor or three or more Councillors which specifies the object of the special meeting and proposes the day and time for the holding the meeting;
- (c) A special meeting is required to comply with the Act or other legislation; or

LEGAL & GOVERNANCE USE ONLY			
Adopted/Approved:	DRAFT	Department:	Office of the CEO
Version:	9	Section:	Office of the CEO
Reviewed Date:		Page No:	Page 3 of 22

(d) Where the CEO determines it is in the interests of the Council that a special meeting be held.

A special meeting may be for either an ordinary meeting or committee. The direction and conduct prescribed within this policy should be followed for special meetings.

5.2 Agenda for Meetings

A Councillor who wants an item of business included on the agenda for a particular meeting must give written notice to the CEO at least seven days before the meeting at which the proposal is to be made. Items for consideration may include questions on notice, notice of motions or rescission of motions.

Business not on the agenda or arising from the agenda must not be considered at the meeting unless Council agrees to admit such business at the meeting.

Special meetings of Council must only consider matters listed on the agenda.

5.3 Order of Business

The order of business is determined by resolution of an ordinary meeting, however, an ordinary meeting or committee may resolve, and without notice, to alter the order in which it proceeds with the business for a particular meeting.

Unless otherwise resolved, the order of business is as follows:

- (a) Opening of Meeting;
- (b) Attendance including Apologies and Leave of Absence;
- (c) Confirmation of Minutes of Previous Meetings;
- (d) Declaration of Interest in Matters on the Agenda;
- (e) Business Outstanding;
 - (i) Business Arising from Previous Meetings;
 - (ii) Matters Lying on the Table and to be Dealt With;
- (f) Public Forums/Deputations;
- (g) Presentation of Petitions (for ordinary meetings only);
- (h) Reports;
 - (i) Committee (for ordinary meetings only);
 - (ii) Portfolio Councillor (for ordinary meetings only);
 - (iii) Officers;
- (i) Notice of Motions;
- (j) Questions on Notice (for ordinary meetings only);
- (k) Urgent Business/Questions;
- (l) Closed Session; and
- (m) Closure of Meeting.

Ordinary meetings or committees deal with items of business on its agenda in accordance with:

- (a) Procedural directions given to the meeting by resolution;
- (b) Procedural directions specified in this policy; or
- (c) If there is no procedural direction governing a particular matter, the chairperson's decision.

However, the meeting may, by resolution, overrule a decision on a procedural question made by the chairperson.

LEGAL & GOVERNANCE USE ONLY			
Adopted/Approved:	DRAFT	Department:	Office of the CEO
Version:	9	Section:	Office of the CEO
Reviewed Date:		Page No:	Page 4 of 22

5.4 Deputations

The maximum total time allocated per deputation will not exceed 10 minutes, unless otherwise agreed by the chairperson.

Unless the meeting otherwise resolves, the effect of calling on the next business is that the deputation will not be heard at the meeting and a fresh request will be given to the CEO if the deputation wishes to be heard at a subsequent meeting.

The chairperson may terminate an address by a person in a deputation at any time where:

- (a) The chairperson is satisfied that the purpose of the deputation has been sufficiently explained to the Councillors or members at the meeting;
- (b) The time period allowed for the deputation has expired;
- (c) The person uses insulting or offensive language; or
- (d) If a member of the deputation, other than the appointed speakers, continues to interject or attempt to address the meeting after the chairperson has warned the member of the deputation.

Details for applying and approving deputations are located on the Council website.

5.5 Petitions

A petition may be presented to an ordinary meeting by:

- (a) A Councillor;
- (b) CEO; or
- (c) CEO delegate

who reads and states the nature of the petition, and becomes, as far as practicable, acquainted with the subject matter of the petition before presenting at a meeting.

A petition must have at least 10 signatures from people supporting the petition objective.

Where a petition is presented to a meeting, no debate on or in relation to it is allowed. However, a Councillor presenting a petition may speak in respect of the matter the subject of the petition for a period of not more than one minute.

The only motions moved are:

- (a) That the petition be received;
- (b) That the petition be received and referred to a committee or the CEO for consideration and report back to the Council; or
- (c) The petition not be received.

A factsheet and template for submitting a petition is located on the Council website.

5.6 Committee Reports

Non-delegated committees submit reports and/or recommendations to the CEO who lists them on the agenda for the next available ordinary meeting.

Recommendations to an ordinary meeting from a committee are to be the same as those resolved by the committee.

If in a report of a committee distinct recommendations are made, the decision of the Council may be taken separately on each recommendation.

The chairperson of the ordinary meeting decides whether the distinct recommendations or parts of recommendations are considered separately by the meeting of the Council.

LEGAL & GOVERNANCE USE ONLY			
Adopted/Approved:	DRAFT	Department:	Office of the CEO
Version:	9	Section:	Office of the CEO
Reviewed Date:		Page No:	Page 5 of 22

The ordinary meeting can:

- (a) Adopt;
 - (b) Amend and adopt; or
 - (c) Reject,
- the recommendation.

Such amendments may alter the meaning or intention of the committee recommendation or it may simply correct the wording.

The committee recommendations adopted by Council are resolutions of the Council.

5.7 Mayoral Minute

The Mayor, as the chairperson at an ordinary meeting or chairperson of a committee of the whole, is entitled to put to the meeting without notice any matter or topic that is within the jurisdiction of the Council or of which the Council has official knowledge.

Such a minute, when put to the meeting, takes precedence over all business on the agenda for the meeting. The chairperson (but only if the chairperson is the Mayor) may move the adoption of the minute without the motion being seconded.

A recommendation made in a minute of the chairperson (being the Mayor) or in a report made by an employee is, so far as adopted by the Council, a resolution of the Council.

Amendments to Mayoral Minutes that are consistent with the intent of the terms of the Minute are permitted, provided such amendments have the agreement of the Mayor.

5.8 Portfolio Councillor Reports

Reports to an ordinary meeting and relevant to portfolios allocated under Council's Councillor Portfolio Policy should be introduced by the relevant Portfolio Councillor.

5.9 Notice of Motion

Submission of notice of motion must be given at least five days before the meeting at which the proposal is to be made.

Councillors may advise whether the notice of motion is to go to the next ordinary meeting or next appropriate committee meeting. However the CEO, in setting the agendas, may determine that the notice of motion is best dealt with by another committee or ordinary meeting.

Where a Councillor who has given notice of a motion is absent from the meeting at which the motion is to be considered, the motion may be:

- (a) Moved by another Councillor at the meeting; or
- (b) Deferred to the next appropriate committee or ordinary meeting.

Notice of motions must:

- (a) Be framed as succinctly as possible;
- (b) Not include argument or discussion or excessive background material;
- (c) Be relevant to the good order of the business of the Council; and
- (d) Not be an action that could be dealt within operational procedures.

5.10 Questions on Notice

The questions on notice from a Councillor are published in the agenda of the appropriate meeting providing such questions are received by the CEO in time for the publishing of the agenda.

LEGAL & GOVERNANCE USE ONLY			
Adopted/Approved:	DRAFT	Department:	Office of the CEO
Version:	9	Section:	Office of the CEO
Reviewed Date:		Page No:	Page 6 of 22

Questions on notice must:

- (a) Be framed as succinctly as possible;
- (b) Not include argument or discussion or excessive background material;
- (c) Be relevant to the good order of the business of the Council; and
- (d) Not be a question that could be answered under operational procedures.

Councillors can ask questions without notice where a genuine urgency exists, and the matter is not included in the agenda.

5.11 Urgent Business/Questions

A provision in the agenda for Councillors to raise questions or matters of a genuinely urgent or emergent nature that are not a change to Council policy and can not be delayed until the next scheduled meeting.

5.12 Closed Meetings

Council may resolve that a meeting be closed to the public if its Councillors consider it necessary to discuss any of the following matters:

- (a) The appointment, dismissal or discipline of the CEO;
- (b) Industrial matters affecting employees;
- (c) Council's Budget;
- (d) Rating concessions;
- (e) Legal advice obtained by Council, including legal proceedings that may be taken by or against Council;
- (f) Matters that may directly affect the health and safety of an individual or group of individuals;
- (g) Negotiations relating to a commercial matter involving the Council for which a public discussion could prejudice the interests of the Council;
- (h) Negotiations relating to the taking of land by Council under the *Acquisition of Land Act 1967*; and/or
- (i) A matter that the Council is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

A Council meeting cannot resolve that a meeting be closed where the meeting is informed of a Councillor's personal interest in the matter by another person and the eligible Councillors at the meeting must decide whether the Councillor has a declarable conflict of interest in the matter.

Further, the meeting must not be closed if a quorum is lost due to the number of conflicted Councillors who leave the meeting and the Council must:

- (a) Delegate the matter;
- (b) Decide by resolution to defer to a later meeting; or
- (c) Decide by resolution to take no further action on the matter.

None of the above are considered, discussed, voted on or made during a closed session.

If a closed session includes attendance by teleconference, the Councillor/s attending by teleconference must maintain confidentiality by ensuring no other person can hear their conversation while in the closed meeting.

To take a matter into a closed session the Council must abide by the following:

- (a) Pass a resolution to close the meeting;
- (b) The resolution must state the matter to be discussed, an overview of what is to be discussed and why the meeting should be closed while the matter is considered;

LEGAL & GOVERNANCE USE ONLY			
Adopted/Approved:	DRAFT	Department:	Office of the CEO
Version:	9	Section:	Office of the CEO
Reviewed Date:		Page No:	Page 7 of 22

- (c) If the matter is known in advance, the agenda should clearly identify that the matter will be considered in closed session, and an explanation of why it is deemed necessary to take the issue into closed session must be stated; and
- (d) Not make a resolution while in a closed meeting (other than a procedural resolution).

6 Procedures for Making Determinations

6.1 Motions

A motion is not debated at a meeting until the motion is seconded (with the exception of procedural motions which are not debated at all).

A motion (other than a procedural motion relating to a point of order or a Mayoral Minute) that is not seconded, lapses for want of a seconder.

A Councillor who moves a motion may speak, with the permission of the chairperson, for the purpose of explaining the purport of that motion before it is seconded.

When a motion has been moved and seconded, it is subject to the control of the Council and may not be withdrawn without the consent of the Council.

Only one motion may be put at any one time.

6.2 Amendment to a Motion

A Councillor may move an amendment to any motion provided it does not change the original motion so substantially as to defeat its purpose.

Where an amendment to a motion is put before a meeting of the Council, no other amendment to the motion is considered until after the first amendment has been determined.

A Councillor who proposes or seconds a motion may propose or second an amendment to that motion.

If an amendment is carried it becomes the motion.

If an amendment has been rejected, a further amendment can be moved, and so on, but no more than one motion and one proposed amendment can be before the Council at any one time.

Where a motion is amended by another motion and determined, the original motion is not put as a subsequent motion to amend the substantive motion.

6.3 Alternative or Foreshadowed Motions

During debate on a motion, a member may indicate an alternative or foreshadowed motion that the member intends to move after the motion under consideration has been dealt with.

Alternative motions can only be put to a vote if the original motion is lost.

6.4 Withdrawal of a Motion

If a motion has been moved and seconded, the mover of the motion may elect to withdraw the motion:

- (a) Before the motion is voted on; or
- (b) Before an amendment to the motion is moved and seconded.

If a modification to a motion is accepted by the Councillors who have moved and seconded a motion, the original motion is deemed to be withdrawn and the motion, as accepted, becomes the motion.

Once an amended motion has been moved and seconded and becomes the motion, the mover of that motion may elect to withdraw the motion before the motion is resolved.

6.5 Speaking to Motions and Amendments

The mover of a motion or amendment may read and state that it is moved but does not speak to it until the motion is seconded.

LEGAL & GOVERNANCE USE ONLY			
Adopted/Approved:	DRAFT	Department:	Office of the CEO
Version:	9	Section:	Office of the CEO
Reviewed Date:		Page No:	Page 8 of 22

A Councillor may request the chairperson for further information before or after the motion or amendment is seconded.

The order of speakers is:

- (a) The Councillor moving the motion;
- (b) Councillors alternatively against and for the motion;
- (c) Once alternative speakers are exhausted, as determined by the chairperson;
- (d) The mover of the motion has the final right of reply, provided there has been a speaker against the motion or amendment; and
- (e) The mover of an amendment motion will have no right of reply.

In the event that an amendment is passed, the Councillor who moved the original motion has a right of reply to the amended motion.

Once the right of reply has been exercised on a motion, debate on the motion is closed.

If a motion or amendment has been withdrawn by the mover, a Councillor does not speak to that motion or amendment. If an alternative motion is moved and seconded, only that alternative motion may be debated once moved and seconded.

Each speaker, including when exercising a right of reply, is restricted to not more than three minutes and speaks directly to the motion.

Any extension of time for a Councillor to speak is only granted by a resolution and any extension is for a period of not more than three minutes.

When two or more Councillors indicate to speak at the same time, the chairperson determines who speaks first.

In accordance with section 254H of the Regulation, if a decision made at the Council meeting is inconsistent with a recommendation or advice given to the council by an advisor, the minutes of the meeting must include a statement of the reasons for not adopting the recommendation or advice.

6.6 Method of Taking Vote

Before any matter is put to the vote, the chairperson may direct the motion or amendment to be read again by the CEO or employee who is taking the minutes of the meeting.

Councillors vote by a show of hands.

A Councillor may call for a division on an item. If a division is called, the minutes record the names of Councillors and how they voted.

The chairperson declares the result of a vote as soon as it is determined.

The minutes of the meeting records the vote. A Councillor may request that their name be recorded for or against the vote.

Except upon a motion to rescind or alter it, the resolution is not discussed after the vote on it has been declared.

6.7 Seriatim

When a motion consists of more than one statement, action or concept, a Councillor may request for the statement, actions or concepts be put seriatim.

If it is intended to debate a motion seriatim, then the request must be made immediately after the motion has been put and seconded.

If it is intended only to vote on a motion seriatim, then the request must be made prior to the mover of the motion exercising a right of reply.

6.8 Notice to Rescind or Repeal Previous Resolutions

A resolution can only be rescinded or repealed if it has not been acted upon.

LEGAL & GOVERNANCE USE ONLY			
Adopted/Approved:	DRAFT	Department:	Office of the CEO
Version:	9	Section:	Office of the CEO
Reviewed Date:		Page No:	Page 9 of 22

If a Councillor wishes to rescind or repeal a resolution, a notice of intention to move an alternative motion must be provided within the Regulation timeframes, at least five days before the meeting.

Where there is no objection to a motion to rescind or repeal a previous resolution, the chairperson may put the motion to the vote without discussion.

If the motion to rescind or repeal a previous resolution is carried, an alternative motion may be moved and seconded for discussion and voting thereon.

Where a motion to rescind or repeal a previous resolution is lost, a motion of the same or like effect is not moved until at least three months after the date on which the first mentioned motion to rescind was lost unless the Council, by resolution, decides otherwise.

7 Procedural Motions

A Councillor may, during the debate of a matter at the meeting, move any of the procedural motions listed.

A procedural motion will not be debated and will be immediately put to the vote by the chairperson.

Where a procedural motion is carried the chairperson will immediately put the motion or amendment under consideration.

Where a procedural motion is lost, debate on the motion or amendment to that motion may continue.

Where a procedural motion is lost, the chairperson does not accept a similar motion until the expiration of 15 minutes after the time the motion was lost.

7.1 That the Motion be Now Put

This procedural motion may be moved without notice and without comment, at the conclusion of the speech of any member, to the motion or amendment before the meeting, to bring on the finalisation of a motion.

Before the procedural motion can be put, the chairperson ensures the opportunity has been given for at least one speaker to be heard for the motion or amendment under consideration and at least one speaker to be heard against the motion or amendment.

A mover, seconder or speaker to the original motion or amendment to the motion, cannot move a procedural motion that the motion be put.

7.2 That the Speaker No Longer Be Heard

Where this procedural motion is carried, the member against whom the motion was moved must cease speaking and be seated.

7.3 That the Debate be Adjourned

A procedural motion "that the debate on the motion and/or amendment be adjourned" specifies a time or date to which the debate is to be adjourned.

A procedural motion may not adjourn debate for a period more than two months after the date of that procedural motion.

Where no time or date is specified in the procedural motion:

- (a) A further motion may be moved to specify such a time or date; or
- (b) The matter about which the debate is to be adjourned is included in the agenda for the next ordinary meeting.

7.4 That the Meeting Proceed to the Next Item of Business

Where this procedural motion is carried, debate on the matter being considered ceases and the motion is deemed to have lapsed.

LEGAL & GOVERNANCE USE ONLY			
Adopted/Approved:	DRAFT	Department:	Office of the CEO
Version:	9	Section:	Office of the CEO
Reviewed Date:		Page No:	Page 10 of 22

7.5 That the Matter Lay on the Table/Be Lifted from the Table

A procedural motion "that the matter lay on the table" is only moved where the chairperson or a Councillor requires additional information on the matter, or the result of some other action of the Council or person is required, before the matter may be concluded at the meeting.

If the motion to lay the matter on the table is lost, debate continues and the "tabling motion" cannot be moved again in respect to that substantive motion.

If the motion to lay the matter on the table is moved and carried whilst an amendment is before the chair, both the motion and the amendment are laid on the table.

If the motion is carried, the matter is unable to be dealt with until a procedural motion "that the matter be lifted from the table and dealt with" is carried. This may be moved at the meeting at which the procedural motion to lay the matter on the table was carried or at any later meeting and placed in the order of business determined by Council at that meeting.

Matters laid on a committee table can only be lifted from that committee table by the same committee or the ordinary meeting.

Once the matter is returned to the table, all members, whether or not they have previously spoken, have the right to speak.

7.6 That the Matter be Referred to a Committee

If a procedural motion "that the matter be referred to a committee" is carried, debate on the matter ceases and the next matter on the agenda proceeds.

Any Councillor may move to amend the procedural motion in order to specify or clarify the terms of reference under which the matter is referred or the composition or identity of the committee to which the matter is to be referred.

7.7 That this Report/Document be Tabled

This motion may be used by a Councillor to introduce a report or other document to the meeting. Once the document is tabled, it ceases to be a confidential document and forms part of the minutes, unless otherwise resolved.

The only motion moved following tabling is that the report/document:

- (a) Be received and referred to a committee or an employee for consideration and report back to the meeting; or
- (b) Not be received.

7.8 Points of Order

A Councillor may ask the chairperson to decide on a 'point of order' where it is believed that:

- (a) Another Councillor has failed to comply with proper meeting procedures;
- (b) A matter before the Council is in contravention of the Act or the Regulation or any other relevant State or Federal Legislation; or
- (c) A matter before the Council is beyond the Council's jurisdiction.

Points of order do not require a seconder, and cannot be used as a means of contradicting a statement made by the Councillor speaking.

Where a 'point of order' is moved, further consideration of any matter is suspended until after the point of order is determined.

Upon a question of order arising during the process of a debate, a Councillor may rise to a point of order, and thereupon the Councillor against whom the point of order is raised, will immediately cease speaking and be seated when the point of order is submitted.

The chairperson will determine whether the point of order is upheld.

LEGAL & GOVERNANCE USE ONLY			
Adopted/Approved:	DRAFT	Department:	Office of the CEO
Version:	9	Section:	Office of the CEO
Reviewed Date:		Page No:	Page 11 of 22

Despite anything contained in these meeting procedures or the Regulation to the contrary, all questions of order at any time arising will, until decided, suspend the consideration and decision of every other question.

7.9 That the Chairperson's Ruling be Dissented From

A Councillor may move "a motion of dissent" in relation to a ruling of the chairperson.

Where such a motion is moved, further consideration of any matter is suspended until after the motion of dissent is determined.

Only the mover of the motion of dissent and the chairperson speaks to the motion. The mover of the motion and the chairperson speaks only once to the motion with the mover speaking first and the chairperson second.

Where a motion of dissent is carried, the matter to which the ruling of the chairperson was made proceeds as though that ruling had not been made.

Where, as a result of that ruling, a matter was discharged as out of order, it is restored to the agenda and dealt with in the normal course of business.

Where a motion of dissent is not carried, the ruling of the chairperson stands.

7.10 That a Provision of These Meeting Procedures be Suspended for a Specified Period

A procedural motion "that a provision of these meeting procedures be suspended for a specified period" may be made by any Councillor in order to permit some action that otherwise would be prevented by a procedural rule.

A procedural motion to suspend a provision specifies the reason and duration of such a suspension.

At the conclusion of the specified period, a procedural motion "to resume a provision of these meeting procedures" are made to reinstate all provisions of the meeting procedures to the meeting.

7.11 That the Meeting Be Adjourned/Resumed

A procedural motion "that the meeting be adjourned" may be moved by a Councillor. The procedural motion must specify a time for the resumption of the meeting and, on resumption, continues with the business before the meeting at the point where it was discontinued on the adjournment.

At the conclusion of the specified period, a procedural motion "that the meeting be resumed" be made.

8 Attendance at Meetings

8.1 Chairperson

The Mayor (or at the request or in the absence of the Mayor, the Deputy Mayor) presides at the ordinary meetings.

If the Mayor and Deputy Mayor are absent from an ordinary meeting, a Councillor may be elected to the chair by the Councillors present at the meeting.

A Councillor is appointed as chairperson for each committee at an ordinary meeting.

The Mayor (or at the request or in the absence of the Mayor, the Deputy Mayor) presides at a committee meeting if the chairperson is absent.

If the chairperson, Mayor and Deputy Mayor are absent from a committee meeting, a Councillor may be elected to the chair by the Councillors present at the meeting.

8.2 Quorum

Business must not be conducted at a meeting unless a quorum is present in accordance with the Regulation.

A Councillor is not deemed to be present at any meeting unless the Councillor is inside the meeting room or has been granted approval to take part in a meeting by teleconferencing.

LEGAL & GOVERNANCE USE ONLY			
Adopted/Approved:	DRAFT	Department:	Office of the CEO
Version:	9	Section:	Office of the CEO
Reviewed Date:		Page No:	Page 12 of 22

The chairperson is to be advised if a Councillor is unable to attend a meeting no later than 24 hours prior to the meeting, unless extenuating circumstances apply.

8.3 Leave of Absence from Meetings

Councillors must seek a leave of absence from an ordinary or committee meeting where a Councillor cannot attend a meeting for private or business purposes. Leave is granted at the discretion of the Council. The CEO may approve a leave of absence when the Councillor is required to travel for Councillor business and a report to Council is not necessary.

A leave of absence may be granted prior to the meeting or at the meeting itself. An application does not need to be made in person, and as a result, Council may grant such leave while a Councillor is absent.

Where a Councillor needs to seek leave from more than a single meeting, such applications are to be made in writing to the CEO specifying the dates of the meeting/s leave is being applied for.

Where a Councillor intends to attend a meeting when leave has been granted by the Council, two day's written notice is provided to the CEO. This notice nullifies any future leave previously approved.

If a Councillor attends a meeting, for which leave has been granted previously, any future absence requires additional leave to be granted, regardless if the original leave covered any future meetings.

A leave of absence is automatically granted to a Councillor where the Council passes a formal resolution for a Councillor to attend a conference or event.

Where Councillors are appointed by the Council as a Council representative on a Committee or Association, a leave of absence is automatically granted for any events or travel associated with the Councillor's fulfilment of that role.

8.4 Absence from Meetings

A request by a Councillor for an apology for not attending a meeting is recorded in the minutes. However, for the purpose of annual reporting, the Councillor is not considered as having attended the meeting. (An apology is not considered a leave of absence request.)

Where a Councillor is absent from a meeting without an approved leave of absence or submitted apology, the Councillor is not listed in the attendance section of the meeting minutes.

In the event that a Councillor leaves the meeting place for the duration of the discussion of that item, the time of the absence is recorded in the minutes.

8.5 Employee Attendance

Before entering into discussion on any matter, a meeting may call on the relevant general manager and/or the general manager's nominee to be present at the discussion.

8.6 Attendance of Public and Media at Council and Committee Meetings

Reasonable accommodation and facilities to report proceedings is provided within the meeting places of the meeting for representatives of the press, radio and television.

Copies of the meeting agenda, excluding confidential items, are made available to the representatives of the press, radio and television. Reasonable access is allowed to the representatives to correspondence and reports laid on the table or submitted to the meeting, however, access will be withheld where the Council by resolution decides on the grounds that publication may prejudice the Council's interests.

Part of the meeting place is made available for the accommodation of the public, and such number of public as can reasonably be accommodated are permitted to attend at every meeting, except during a closed session.

When a meeting proposes to close a meeting in accordance with section 254J of the Regulation, the chairperson directs all persons, other than Council or Committee members, to leave the meeting and every person will immediately comply with the direction.

LEGAL & GOVERNANCE USE ONLY			
Adopted/Approved:	DRAFT	Department:	Office of the CEO
Version:	9	Section:	Office of the CEO
Reviewed Date:		Page No:	Page 13 of 22

8.7 Public Participation at Council and Committee Meetings

Except when invited to do so by the chairperson, a member of the public will not take or attempt to take part in the proceedings of a meeting.

During a debate on a motion, the chairperson may invite submissions, comments or questions from members of the public.

Any person addressing a meeting will stand, act and speak with decorum and frame any remarks in respectful and courteous language.

The meeting may, as a mark of distinction, admit a non-member to a part of the meeting place normally reserved for Councillors during the conduct of a meeting to participate in the discussion of a particular item of business, on conditions decided by the meeting.

8.8 Teleconferencing

The Council has delegated to the CEO under section 254K of the Regulation the power to allow a person to take part in a meeting by teleconferencing.

A Councillor or committee member who takes part in a local government meeting by teleconferencing is taken to be present at that meeting if the Councillor or member was simultaneously in audio contact with each other person at the meeting.

Teleconferencing includes the use of a telephone, video conferencing equipment or other means of instant communication that allows a person to take part in a discussion as it happens.

9 Conduct at Meetings**9.1 Councillor Conduct**

After a meeting has been formally constituted and the business commenced, a Councillor does not enter or leave the meeting without first notifying the chairperson.

During a meeting, unless exempted by the chairperson, Councillors address the chairperson while:

- (a) Moving any motion or amendment;
- (b) Seconding any motion or amendment;
- (c) Taking part in any discussion;
- (d) Replying to any question; or
- (e) Addressing the Council for any other purpose.

Councillors, during a meeting, address:

- (a) Other Councillors by their respective titles, "Mayor" or "Councillor"; and
- (b) Employees by designating them by their name or position title.

Councillors confine their remarks to the matter under consideration.

Councillors remain seated and silent while a vote is being taken.

Councillors act with due decorum during meetings to ensure the meeting is conducted in an efficient and effective manner. Councillors do not make a noise or disturbance except to raise a point of order, nor converse aloud, while another person is addressing the meeting.

The chairperson may specify orally or in writing appropriate standards of decorum which are observed by all Councillors and other persons attending a meeting.

Councillors do not make personal reflections on or impute improper motives to other Councillors, employees or members of the public.

A Councillor who is speaking are not to be interrupted except upon a point of order being raised either by the chairperson or another Councillor.

LEGAL & GOVERNANCE USE ONLY			
Adopted/Approved:	DRAFT	Department:	Office of the CEO
Version:	9	Section:	Office of the CEO
Reviewed Date:		Page No:	Page 14 of 22

When the chairperson speaks during the process of a debate, the Councillor then speaking or offering to speak, immediately ceases speaking and resumes their seat, and each Councillor present preserves strict silence so the chairperson may be heard without interruption.

The chairperson may:

- (a) Call the attention of the meeting to continued irrelevance or tedious repetition on the part of any Councillor; and
- (b) Direct a Councillor to discontinue a speech.

The use of mobile phones in the meeting place or other meeting places is not permitted.

9.2 Process for Dealing with Unsuitable Meeting Conduct by a Councillor in a Meeting

The conduct of a Councillor is unsuitable meeting conduct if the conduct happens during a Council meeting and contravenes a behavioural standard of the Code of Conduct for Councillors in Queensland. When dealing with an instance of unsuitable conduct by a Councillor in a meeting, the following procedures must be followed:

- (a) The chairperson must reasonably believe that unsuitable meeting conduct has been displayed by a Councillor at a meeting.
- (b) If the chairperson decides the unsuitable meeting conduct has occurred, the chairperson must consider the severity of the conduct and whether the Councillor has had any previous warnings for unsuitable meeting conduct issued. If the chairperson decides the conduct is of a serious nature or another warning is unwarranted, refer to (g) for the steps to be taken.
- (c) If the chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the chairperson may request the Councillor take remedial actions such as:
 - (i) Ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct;
 - (ii) Apologising for their conduct; or
 - (iii) Withdrawing their comments.
- (d) If the Councillor complies with the chairperson's request for remedial action, no further action is required.
- (e) If the Councillor fails to comply with the chairperson's request for remedial action, the chairperson may warn the Councillor that failing to comply with the request may result in an order being issued.
- (f) If the Councillor complies with the chairperson's warning and request for remedial action, no further action is required.
- (g) If the Councillor still continues to fail to comply with the chairperson's request for remedial actions, the chairperson may make one or more of the orders below:
 - (i) An order reprimanding the Councillor for the conduct; or
 - (ii) An order requiring the Councillor to leave the meeting, including any area set aside for the public and stay out for the duration of the meeting.
- (h) If the Councillor fails to comply with an order to leave and stay away from the meeting, the chairperson can issue an order that the Councillor be removed from the meeting by an appropriate officer. The meeting must be adjourned whilst the Councillor is being removed.
- (i) Following the completion of the meeting, the chairperson must ensure:
 - (i) Details of any order issued is recorded in the minutes of the meeting;
 - (ii) If it is the third or more order within a 12 month period made against a Councillor or the Councillor has refused to leave following an order issued to leave the meeting, these matters are to be dealt with at the next meeting of the Council and treated as inappropriate conduct in accordance with the Act; and

LEGAL & GOVERNANCE USE ONLY			
Adopted/Approved:	DRAFT	Department:	Office of the CEO
Version:	9	Section:	Office of the CEO
Reviewed Date:		Page No:	Page 15 of 22

- (iii) The CEO is advised to ensure details of any order made is updated in the Councillor Conduct Register in accordance with the Act.
- (j) Any Councillor aggrieved with an order issued by the Chairperson can move a motion of dissent for parts (a), (g) and (h) above.

Chairpersons of a meeting are carrying out a statutory responsibility under the Act to manage and lead the meeting. As such, where a chairperson behaves inappropriately in a meeting, this involves a breach of the trust placed in them as the chairperson of the meeting and may be dealt with as misconduct. The breach can be referred to the Office of the Independent Assessor to be dealt with. However, breaches of trust don't arise because Councillors disagree with the chairperson's decision or ruling during the meeting.

9.3 Prescribed Conflict of Interest

Councillors are ultimately responsible for informing of a prescribed conflict of interest on matters to be discussed at a Council or committee meeting (other than ordinary business matters). When dealing with a prescribed conflict of interest, Councillors must abide by the following procedures:

- (a) A Councillor who has notified the CEO of a prescribed conflict of interest in a matter to be discussed in a Council meeting must also give notice during the meeting.
- (b) A Councillor who first becomes aware of a prescribed conflict of interest in a matter during a Council meeting must immediately inform the meeting of the conflict of interest.
- (c) When notifying the meeting of a prescribed conflict of interest, the following details must, at a minimum, be provided:
 - (i) If it arises because of a gift, loan or contract, the value of the gift, loan or contract;
 - (ii) If it arises because of an application or submission, the subject of the application or submission;
 - (iii) The name of any entity, other than the Councillor, that has an interest in the matter;
 - (iv) The nature of the Councillor's relationship with the entity that has an interest in the matter;
 - (v) Details of the Councillor's and any other entity's interest in the matter.
- (d) The Councillor must then leave the place of the meeting, including any area set aside for the public, and stay away while the matter is being discussed and voted on, unless the subject Councillor has written notice from the Minister to participate in the matter.
- (e) Once the Councillor has left the area where the meeting is being conducted, Council can continue discussing and deciding on the matter at hand.

9.4 Declarable Conflict of Interest

Councillors are ultimately responsible for informing of any declarable conflict of interest on matters to be discussed at Council or committee meetings that might lead to a decision that is contrary to the public interest (other than ordinary business matters).

A Councillor may raise their personal interests in a matter at the meeting to canvas the view of the other Councillors prior to deciding to declare a conflict of interest. If the other Councillors suspect the personal interest might be a conflict of interest, the Councillor may disclose their suspicion and the processes under section 150EW of the Act apply.

When dealing with a declarable conflict of interest, Councillors must abide by the following procedures:

- (a) A Councillor who has notified the CEO of a declarable conflict of interest in a matter to be discussed at a Council meeting must also give notice during the meeting.
- (b) A Councillor who first becomes aware of a declarable conflict of interest in a matter during a Council meeting must inform the meeting of the conflict of interest.

LEGAL & GOVERNANCE USE ONLY			
Adopted/Approved:	DRAFT	Department:	Office of the CEO
Version:	9	Section:	Office of the CEO
Reviewed Date:		Page No:	Page 16 of 22

- (c) When notifying the meeting of a declarable conflict of interest, Councillors should provide sufficient detail to allow the other Councillors to make an informed decision about how best to manage the declarable conflict of interest in the public interest. The following minimum details must be provided:
- (i) The nature of the declarable conflict of interest; and
 - (ii) If it arises because of the Councillor's relationship with a related party:
 - (A) The name of the related party to the Councillor;
 - (B) The nature of the relationship of the related party to the Councillor; and
 - (C) The nature of the related party's interests in the matter.
 - (iii) If it arises because of a gift or loan from another person to the Councillor or a related party:
 - (A) The name of the other person;
 - (B) The nature of the relationship of the other person to the Councillor or related party;
 - (C) The nature of the other person's interests in the matter; and
 - (D) The value of the gift or loan, and the date the gift was given or loan was made.
- (d) After a Councillor has declared a conflict of interest, the Councillor should consider leaving the meeting while the matter is discussed unless they have reasons why their participation would improve making the decision in the public interest.
- (e) If the Councillor chooses not to leave the meeting, the Councillor may advise the other Councillors of their reasons for seeking permission to participate in making the decision.
- (f) The other Councillors at the meeting must then decide, by resolution, whether the Councillor can participate in the decision making in relation to the matter, including voting on the matter, or whether they should not participate in the decision and leave the place of the meeting while the matter is decided by the non-conflicted Councillors. The non-conflicted Councillors may impose conditions on the Councillor under a decision to either participate or leave the meeting, for example may stay for the debate but must leave for the vote. The Councillor must comply with any decision or condition imposed by the non-conflicted Councillors.
- (g) In deciding on whether a Councillor may participate in a decision about a matter in which the Councillor has a declarable conflict of interest, only Councillors who do not themselves have a prescribed or declarable conflict of interest in the matter are eligible to participate in the decision making. The decision may be made even if the number of those Councillors is less than a majority or less than a quorum for the meeting consistent with section 150ET of the Act.
- (h) The Councillor who is the subject of the decision may remain in the meeting while the debate is occurring and can participate by answering questions from the chairperson to assist the other Councillors in making their decision. The subject Councillor must not vote or otherwise participate in making the decision but may remain in the meeting while the vote on the matter takes place and the decision is declared by the chairperson, on whether the Councillor may remain in the meeting and participate in deciding the matter in which the Councillor has a declarable conflict of interest.
- (i) When deciding whether a Councillor may participate in the decision making on a matter in which they have a declarable conflict of interest, the other Councillors should consider the circumstances of the matter including, but not limited to:
- (i) How does the inclusion of the Councillor in the deliberation affect the public trust;
 - (ii) How close or remote is the Councillor's relationship to the related party;
 - (iii) If the declarable conflict of interest relates to a gift or other benefit, how long ago was the gift or benefit received;

LEGAL & GOVERNANCE USE ONLY			
Adopted/Approved:	DRAFT	Department:	Office of the CEO
Version:	9	Section:	Office of the CEO
Reviewed Date:		Page No:	Page 17 of 22

- (iv) Will the benefit or detriment the subject Councillor or their related party stands to receive from the decision have major or minor impact on them;
- (v) How does the benefit or detriment the subject Councillor stands to receive compared to others in the community;
- (vi) How does this compare with similar matters that Council has decided and have other Councillors with the same or similar interests decided to leave the meeting; and
- (vii) Whether the subject Councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest.
- (j) If the non-conflicted Councillors cannot decide about the declarable conflict of interest of a Councillor, they are taken to have decided that the Councillor must leave and stay away from the meeting while the non-conflicted Councillors discuss and vote on the matter.
- (k) A decision about a Councillor who has a declarable conflict of interest in a matter applies in relation to the Councillor for participating in the decision, and subsequent decisions, about the same matter unless there is a change to the Councillor's personal interests and/or the nature of the matter being discussed. If the non-conflicted Councillors decide that the Councillor can act in the public interest on the matter, then the Councillor may participate in the meeting and be involved in processes occurring outside of a Council meeting about the same matter for example briefing sessions or workshops.
- (l) In making the decision under paragraph 9.4(f) and 9.4(i), it is irrelevant how the subject Councillor intended to vote on the issue or any other issue (if known or suspected).
- (m) A Councillor does not contravene the above procedures if the Councillor participates in a decision under written approval from the Minister.

9.5 Reporting of Suspected Conflict of Interest

If a Councillor at a meeting reasonably believes or suspects that another Councillor has a personal interest in a matter that may be a prescribed or declarable conflict of interest, and that Councillor is participating in a decision on that matter, the Councillor must immediately inform the chairperson of the meeting of their belief or suspicion, and the facts and circumstances that led to their belief or suspicion.

The chairperson should ask the relevant Councillor with the suspected personal interest whether they have any prescribed or declarable conflict of interest in the matter. If the Councillor agrees they have a conflict of interest, the Councillor must follow the relevant procedures above.

If the Councillor believes they do not have a conflict of interest, they must inform the meeting of that belief and their reasons for that belief.

The non-conflicted Councillors must then decide whether the Councillor has a prescribed conflict of interest, a declarable conflict of interest or that the Councillor does not have a prescribed or declarable conflict of interest in the matter. If the meeting decides the Councillor has a conflict of interest, the Councillor must follow the relevant procedures above.

If the Councillors cannot reach a majority decision then they are taken to have determined that the Councillor has a declarable conflict of interest.

9.6 Loss of Quorum

In the event where one or more Councillors leave a meeting due to a prescribed or declarable conflict of interest in a matter that results in a loss of a quorum for deciding the matter, the Council must resolve to:

- (a) Delegate the consideration and decision on the matter, in accordance with section 257 of the Act;
- (b) Defer the matter to a later meeting; or
- (c) Not to decide the matter and take no further action in relation to the matter.

LEGAL & GOVERNANCE USE ONLY			
Adopted/Approved:	DRAFT	Department:	Office of the CEO
Version:	9	Section:	Office of the CEO
Reviewed Date:		Page No:	Page 18 of 22

All Councillors including the conflicted Councillors, may participate in deciding to delegate or defer a matter.

The Council must not delegate a decision to an entity if the entity, or a majority being at least half of its members, has a prescribed or declarable conflict of interest in the matter.

If the matter cannot be delegated under an Act, the Council should seek ministerial approval for the Councillors to be able to consider and vote on the matter, subject to any conditions the Minister for Local Government may impose.

9.7 Recording Prescribed and Declarable Conflicts of Interest

When a Councillor informs the meeting that they or another Councillor have a prescribed or declarable conflict of interest in a matter, the minutes of the meeting must record all of the relevant details of how the conflict of interest was dealt with, being:

- (a) The name of any Councillor and any other Councillor who may have a prescribed or declarable conflict of interest;
- (b) The particulars of the prescribed or declarable conflict of interest provided by the Councillor;
- (c) The actions taken by a Councillor after informing the meeting that they have, or they reasonably suspect another Councillor has a prescribed or declarable conflict of interest;
- (d) Any decision then made by the eligible Councillors;
- (e) Whether the Councillor with a prescribed or declarable conflict of interest participated in or was present for the decision under ministerial approval;
- (f) The Council's decision on what actions the Councillor with a declarable conflict of interest must take and the reasons for the decision;
- (g) The name of each Councillor who voted on the matter and how each voted;
- (h) If the Councillor has a declarable conflict of interest the following additional information must be recorded in the minutes of the meeting when the meeting is informed of a Councillor's personal interest by someone other than the Councillor, the name of each Councillor who voted in relation to whether the Councillor has a declarable conflict of interest, and how each of the Councillors voted; and
- (i) Where a decision has been made under paragraph 9.4(f) of this policy, the minutes must include the decision and reasons for the decision, and the name of each eligible Councillor who voted and how each eligible Councillor voted.

9.8 Maintenance of Good Orders at Meetings

In accordance with *Local Law No. 1 (Administration) 2011* a person who is not a member of the Council or a Committee must not obstruct the proper conduct of a meeting of the Council or Committee.

If a person (other than a member) obstructs the proper conduct of a meeting, the chairperson may give the person a warning. If the chairperson reasonably believes that the person may continue to interrupt or obstruct the proper conduct of the meeting, the chairperson may ask the person to leave the meeting place.

A person failing to comply with a direction to leave the meeting place may be removed from the meeting place using reasonable necessary force. For the purpose of effecting the removal, the chairperson may call upon the assistance of a member of the Police Service.

The use of mobile phones in the area set aside for the representatives of the press, radio and television and the public in the meeting place or other meeting places is not permitted.

LEGAL & GOVERNANCE USE ONLY			
Adopted/Approved:	DRAFT	Department:	Office of the CEO
Version:	9	Section:	Office of the CEO
Reviewed Date:		Page No:	Page 19 of 22

10 Meeting Process for Dealing with Suspected Inappropriate Conduct which has been Referred to Council by the Independent Assessor

In accordance with Chapter 5A, Division 5 of the Regulation (Referral of conduct to local government) a referral from the Independent Assessor of inappropriate conduct or an instance of suspected inappropriate conduct may arise from circumstances under paragraph 9.2(i)(ii) of this policy.

In either case, Council must complete an investigation into the alleged conduct:

- (a) Consistent with any recommendations from the Independent Assessor; and
- (b) Consistent with the Councillor Investigation Policy; or
- (c) In another way decided by resolution of the Council.

After the completion of the investigation, the Council must decide whether the Councillor has engaged in inappropriate conduct, unless it has delegated responsibility for this decision under section 257 of the Act.

When dealing with an instance of suspected inappropriate conduct which has been referred to Council by the Independent Assessor:

- (a) The Council must be consistent with the local government principle of transparent and accountable decision making in the public interest, by dealing with suspected inappropriate conduct in an open meeting of the Council. However, where the matter may directly affect the health and safety of the complainant due to the nature of the complaint, the Council may resolve to go into closed session under section 254J of the Regulation to discuss the allegation.
- (b) The subject Councillor has a declarable conflict of interest in the matter and is permitted by the Council to remain in the meeting during the debate about whether the Councillor engaged in the inappropriate conduct and answer questions put to the subject Councillor through the Chairperson to assist the other Councillors in making a decision. The permission to remain in the meeting for the debate is on the condition that the subject Councillor must leave the place where the meeting is being held, including any area set aside for the public, during the vote on whether they have committed inappropriate conduct and what, if any, penalty to impose if the Councillor is found to have committed inappropriate conduct.
- (c) Should the complainant be a Councillor, that Councillor may have a declarable conflict of interest in the matter and if so, must follow the declarable conflict of interest procedures in paragraph 9.4. If the complainant Councillor who has a conflict of interest, wishes to remain in the meeting during the debate and vote on the matter, the other Councillors must decide how to deal with the conflict of interest under paragraph 9.4. The complainant Councillor can be ordered to leave the meeting place or conditions may be applied to allow that Councillor to participate in either the debate, the vote or the decision on any disciplinary action to be applied.
- (d) The Council must debate the issue and decide whether the subject Councillor engaged in inappropriate conduct. If the Council has lost quorum due to the number of conflicted Councillors or another reason, the matter must be delegated consistent with section 257 of the Act or deferred to another date when a quorum will be present.
- (e) If a decision is reached that the subject Councillor has engaged in inappropriate conduct, then the Councillors must decide what penalty or penalties from the orders detailed in paragraph 10(e), if any, to impose on the Councillor. In deciding what penalty to impose, the Council may consider any previous inappropriate conduct of the Councillor and any allegation made in the investigation that was admitted, or not challenged, and that the Council is reasonably satisfied is true.
- (f) The Council may order that no action be taken against the Councillor or make one or more of the following:
 - (i) An order that the Councillor make a public admission that the Councillor has engaged in inappropriate conduct;
 - (ii) An order reprimanding the Councillor for the conduct;
 - (iii) An order that the Councillor attend training or counselling to address the Councillor's conduct, including at the Councillor's expense;

LEGAL & GOVERNANCE USE ONLY			
Adopted/Approved:	DRAFT	Department:	Office of the CEO
Version:	9	Section:	Office of the CEO
Reviewed Date:		Page No:	Page 20 of 22

- (iv) An order that the Councillor be excluded from a stated Council meeting;
- (v) An order that the Councillor is removed, or must resign, from a position representing the local government, other than the office of Councillor, for example that the Councillor is ordered to resign from an appointment representing the local government on a state board or committee;
- (vi) An order that if the Councillor engages in the same type of conduct again, it will be treated as misconduct; and/or
- (vii) An order that the Councillor reimburse the Council for all or some of the costs arising from the Councillor's inappropriate conduct.

A local government may not make an order under paragraph 10(f)(iii), (iv), (v) and (vi) in relation to a person who is no longer a Councillor.

The subject Councillor, and where relevant, the complainant Councillor, must be invited back into the place where the meeting is being held once a decision has been made, and the chairperson must advise them of the details of the decision.

The chairperson must ensure the meeting minutes reflect the resolution made.

11 Record of Meetings

11.1 Confirmation of Minutes

The minutes of a meeting must be compliant with the requirements of the Regulation.

The minutes of a meeting, not previously confirmed, are taken into consideration at the next meeting of the relevant meeting, so they can be confirmed.

The minutes of the final committee meetings for the term of Council must be confirmed at the final ordinary meeting in the Council term.

The minutes of the final ordinary meeting for the term of Council must be confirmed at the first ordinary meeting for the new term.

No discussion is permitted on the minutes except to confirm or correct their accuracy as a record of proceedings.

11.2 Live Streaming, Audio and Video Recording of Meetings

Council may direct that live streaming of meetings occur for members of the public to view the meeting without physically attending. Due to social distancing requirements implemented for COVID 19, it is not possible for members of the public to physically attend due to COVID 19. Archival access of these meetings will be available through Council's chosen streaming/hosting provider. Confidential items will not be live streamed. Council also retains a copy of the live streamed meeting for a period of seven years after confirmation of the minutes of the meeting in accordance with the *Public Records Act 2002*.

Council may also direct that an audio or video recording of a meeting be made for the purpose of verifying the accuracy of the minutes of the meeting. An audio or video recording made in accordance with this direction:

- (a) May only be used for the purpose of verifying the accuracy of the minutes of the meeting; and
- (b) Must be retained until the business action is completed after confirmation of the minutes of the meeting in accordance with the *Public Records Act 2002*.

12 Exclusions

Any provision of this policy may be suspended by resolution of any meeting.

LEGAL & GOVERNANCE USE ONLY			
Adopted/Approved:	DRAFT	Department:	Office of the CEO
Version:	9	Section:	Office of the CEO
Reviewed Date:		Page No:	Page 21 of 22

13 Review Timelines

This policy is reviewed when any of the following occur:

- (a) As required by legislation;
- (b) The related information is amended or replaced; or
- (c) Other circumstances as determined from time to time by the Council.

14 Document Management

Sponsor	Chief Executive Officer
Business Owner	Chief Executive Officer
Policy Owner	Chief Executive Officer
Policy Quality Control	Legal and Governance



LEGAL & GOVERNANCE USE ONLY			
Adopted/Approved:	DRAFT	Department:	Office of the CEO
Version:	9	Section:	Office of the CEO
Reviewed Date:		Page No:	Page 22 of 22

COUNCIL MEETING PROCEDURES POLICY

Delegation Register – Local Government Regulation 2012

Meeting Date: 13 October 2020

Attachment No: 2

Delegations Register – Local Government Regulation 2012 {LOGR}

Under section 257 of the Local Government Act 2009, ROCKHAMPTON REGIONAL COUNCIL resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

Schedule 1

Section of LOGR	Entity Power Given To	Title	Description	Recommendations
Section 254K(1) and (2)	Entity Power Given To: Local Government	Chapter 8 - Administration Part 2 - Local Government Meetings and Committees Division 1A - Requirements for Local Government Meetings Generally	Power to allow a person to take part in a meeting (Council or committee meetings) by audio link or audio visual link.	Delegation to CEO
Section 276(2) and (3)(b)	Entity Power Given To: Local Government	Chapter 8 - Administration Part 2 - Local Government Meetings and Committees Division 3 - Common Provisions for Local Government and Committee Meetings	Power to allow a person to take part in a meeting (Council or committee meetings) by teleconferencing and approve the teleconferencing arrangement.	Removed from the Register

Schedule 2

Limitations to the Exercise of Power	
1	Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, the delegate in exercising delegated power in relation to that matter, will only commit the Council to reasonably foreseeable expenditure up to the amount allocated.
2	The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge adversely affects, or is likely to adversely affect, the Council's relations with the public at large.
3	The delegate will not exercise any delegated power in relation to a matter which has already been the subject of a resolution or other decision of the Council (including a policy decision relating to the matter).
4	The delegate will not exercise any delegated power in a manner, or which has the foreseeable affect, of being contrary to an adopted Council policy or procedure.
5	The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6	The delegate will not exercise any power which cannot lawfully be the subject of delegation by Council.

12 NOTICES OF MOTION

12.1 NOTICE OF MOTION - COUNCILLOR SHANE LATCHAM - REVIEW OF EXPENSES REIMBURSEMENT AND PROVISION OF FACILITIES FOR MAYOR AND COUNCILLORS POLICY

File No: 11979

Attachments: Nil

Responsible Officer: Evan Pardon - Chief Executive Officer

SUMMARY

Councillor Shane Latcham has indicated his intention to move a Notice of Motion at the Ordinary Council Meeting to be held on 13 October 2020 regarding amendment to Expenses Reimbursement and Provisions of Facilities for Mayor and Councillors Policy.

COUNCILLOR'S RECOMMENDATION

THAT Council amend Section 5.3.1.11 of the Expenses Reimbursement and Provisions of Facilities for Mayor and Councillors Policy to include the corporate logo on the corporate uniform.

BACKGROUND

Councillor Shane Latcham has advised the CEO as follows in regard to the Expenses Reimbursement and Provisions of Facilities for Mayor and Councillors Policy:

"I would like this policy decision to be revisited and discussed amongst Councillors and Mayor. The current policy, adopted 28 April 2020, is to have the Council Crest on Councillors' corporate uniform. The previous policy was the corporate logo on the corporate uniform. This would be an appropriate time for this to be considered before the Council Crest is placed on Councillors' corporate uniform."

13 QUESTIONS ON NOTICE

Nil

14 URGENT BUSINESS/QUESTIONS

Urgent Business is a provision in the Agenda for members to raise questions or matters of a genuinely urgent or emergent nature, that are not a change to Council Policy and can not be delayed until the next scheduled Council or Committee Meeting.

15 CLOSURE OF MEETING